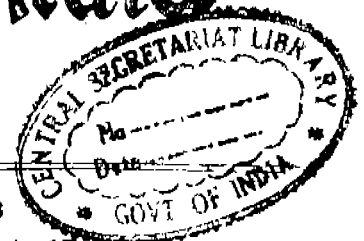




# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
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सं. 14]

नई दिल्ली, शनिवार, अप्रैल 6, 1996/चैत्र 17, 1918

No. 14]

NEW DELHI, SATURDAY, APRIL 6, 1996/CHAITRA 17, 1918

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate Paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (ii) PART II—Section 3—Sub-Section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(other than the Ministry of Defence)

विधि, न्याय और कम्पनी कार्य मंत्रालय

(विधि कार्य विभाग)

(न्यायिक अनुभाग)

सूचना

नई दिल्ली, 18 मार्च, 1996

का.आ. 1038:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री पुरुषोत्तम परशराम गुण्ड, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे पुणे (महाराष्ट्र) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का आपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप में मेरे पास भेजा जाए।

[सं. 5 (70)/96—न्यायिक]

पी.सी. कण्णन, सक्षम प्राधिकारी

MINISTRY OF LAW, JUSTICE & COMPANY AFFAIRS

(Department of Legal Affairs)

(Judicial Section)

NOTICE

New Delhi, the 18th March, 1996

S.O. 1038.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act, 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri Purushottam Parashram Gund, Advocate for appointment as a Notary to practise in Pune (Maharashtra).

2. Any objection to the appointment to the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(70)/96-Judl.]

P. C. KANNAN, Competent Authority

## सूचना

नई दिल्ली, 21 मार्च, 1996

का.आ. 1039:—नोटरीज नियम, 1956 के नियम 6 के अनुसरण में सक्षम प्राधिकारी द्वारा यह सूचना दी जाती है कि श्री डी.डी. रामैया, एडवोकेट ने उक्त प्राधिकारी को उक्त नियम के नियम 4 के अधीन एक आवेदन इस बात के लिए दिया है कि उसे मेडीकेरी तालुका (कर्नाटक) में व्यवसाय करने के लिए नोटरी के रूप में नियुक्ति पर किसी भी प्रकार का अपेक्ष इस सूचना के प्रकाशन के चौदह दिन के भीतर लिखित रूप से भेरे पाम भेजा जाए।

[सं. 5 (75)/96-न्यायिक]

पी.सी. वण्णा, सक्षम प्राधिकारी

## NOTICE

New Delhi, the 21st March, 1996

S.O. 1039.—Notice is hereby given by the Competent Authority in pursuance of Rule 6 of the Notaries Act 1956 that application has been made to the said Authority, under Rule 4 of the said Rules, by Shri D. D. Ramaiiah Advocate for appointment as a Notary to practise in Medikeri Taluka, (Karnataka).

2. Any objection to the appointment of the said person as a Notary may be submitted in writing to the undersigned within fourteen days of the publication of this notice.

[No. F. 5(75)/96-Judl.]

P. C. KANNAN, Competent Authority

## गृह मंत्रालय

नई दिल्ली, 25 मार्च, 1996

का.आ. 1040:—केन्द्रीय सरकार, सीमा सुरक्षा बल अधिनियम, 1968 (1968 का 47) की धारा 141 की उपधारा (1) और उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, सीमा सुरक्षा बल, नियम, 1969 का और संशोधन करने के लिए निम्नलिखित नियम बनाती है, अर्थात्:—

1. (1) इन नियमों का संक्षिप्त नाम सीमा सुरक्षा बल (संशोधन) नियम, 1996 है।
- (2) ये राजपत्र में प्रकाशन की तारीख को प्रवृत्त होंगे।
2. सीमा सुरक्षा बल नियम, 1969 परिशिष्ट-I के भाग 2 में
- (क) शर्त क के स्थान पर निम्नलिखित रखा जाएगा, अर्थात्:—

“1. अभ्यावेशित किए जाने पर आप सीमा सुरक्षा बल अधिनियम, 1968 और उसके अधीन बनाए गए नियमों के अधीन होंगे।”

(ख) शर्त 2 और शर्त 3 को तोप किया जाएगा और शर्त 4 और शर्त 5 को क्रमशः शर्त 2 और शर्त 3 के रूप में पुनः संख्यांकित किया जाएगा।

[सं. 1/18/95-सीमाओ/बीएसएफ/554]

रंजीत बिजानी, डेस्क अधिकारी

नोट: मूल नियम भारत के राजपत्र में का.आ. 2326 तारीख 9 जून, 69 पर प्रकाशित किए गए तत्पश्चात् उनका निम्नलिखित द्वारा संशोधन किया गया:—

- (1) का.आ. 1362 तारीख 7 अप्रैल 70
- (2) का.आ. 4034 तारीख 21 अक्टूबर 71
- (3) का.आ. 5087 तारीख 6 नवम्बर 71
- (4) का.आ. 329 (अ) तारीख 29 अप्रैल 81
- (5) का.आ. 155 तारीख 1 मार्च 83
- (6) का.आ. 187(अ) तारीख 23 मार्च 84
- (7) का.आ. 436 (अ) तारीख 29 मई 90
- (8) का.आ. 188 (अ) तारीख 13 मार्च 93

## MINISTRY OF HOME AFFAIRS

New Delhi, the 25th March, 1996

S.O. 1040.—In exercise of the power conferred by sub-section (1) (2) of Section 141 of the Border Security Force Act, 1968 (47 of 1968), the Central Government hereby makes the following rules further to amend the Border Security Force Rules, 1969, namely:—

1. (1) These rules may be called Border Security Force (Amendment) Rules, 1996.

(2) They shall come into force on the date of their publication in the Official Gazette.

2. In Appendix-I to the Border Security Force Rules, 1969 in Part II—

(a) for condition 1 the following condition shall be substituted, namely:—

“1. On enrolment, you shall be subject to the Border Security Force Act, 1968 and the Rules made thereunder”

(b) Conditions 2 and 3 shall be omitted, and condition 4 and 5 shall be renumbered as 2 and 3 respectively.

[No. 1/18/95-CLO|BSF|554]

RANJIT BIJANI, Desk Officer

Note:—The principal rules were published in the Gazette of India vide S.O. 2326 dated 9th June, 1969 and subsequently amended vide:

- (i) S.O. 1362 dated 7 April 70
- (ii) S.O. 4034 dated 21 Oct 71
- (iii) S.O. 5087 dated 6 Nov 71
- (iv) S.O. 329(E) dated 29th April 1981
- (v) S.O. 155 dated 1st Mar 83
- (vi) S.O. 187(E) dated 23 Mar 84
- (vii) S.O. 436(E) dated 29 May 90
- (viii) S.O. 188(E) dated 13 Mar 93.

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

New Delhi, the 25th March, 1996

(कार्मिक तथा प्रशिक्षण विभाग)

नई दिल्ली, 25 मार्च, 1996

का.आ. 1041:—केंद्रीय सरकार, दंड प्रक्रिया संहिता, 1973 (1973 का एक्ट 2) की धारा 24 की उपधारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए सुश्री नीलम ग्रोवर, अधिवक्ता, नई दिल्ली को पंजीकृत मामला संख्या 9 (एस)/95-दिल्ली/सी.बी.आई./एस.सी.बी.-1/नई दिल्ली (एफ.आई.आर. 101/45, दिनांक 25-4-95 थाना संसद मार्ग, नई दिल्ली) (कु. भावना के साथ उसके पिता व अन्य 4 द्वारा अमानवीय कुटुंब संबंधी) और उससे जुड़े अथवा उसके साथ घटित अन्य मामलों के लिये, जो मत्र न्यायालय, दिल्ली/नई दिल्ली में लंबित है तथा उपरोक्त केस संबंधी अपीलिय व पुनरीक्षण न्यायालयों की अन्य कार्यवाही हेतु अभियोजन के संचालन के लिये विशेष लोक अभियोजक नियुक्त करती है।

[सं. 225/45/95-ए.वी.डी.-II]

एस. सौंदर राजन, अवसर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSION

(Deptt. of Personnel and Training)

New Delhi, the 25th March, 1996

S.O. 1041.—In exercise of the powers conferred by the provisions of sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Ms. Neelam Grover, Advocate, New Delhi as Special Public Prosecutor for conducting prosecution of case RC. 9(S)/95-DLI of CBI/SCB-I/New Delhi (FIR No. 101/95 dated 25-4-1995 of Police Station, Parliament Street, New Delhi) (regarding sexual abuse of Kumari Bhawna aged 8 years by her father and 4 others) and any other matter connected therewith or incidental thereto, in the Sessions Court at Delhi/New Delhi, and also other proceedings arising out of the said case in the appellate and revision courts.

[No. 225/45/95-AVD.II]

S. SOUNDAR RAJAN, Under Secy.

नई दिल्ली, 25 मार्च, 1996

का.आ. 1042 :—दण्ड प्रक्रिया संहिता 1973 (अधिनियम 2/1974) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार, कलकत्ता उच्च न्यायालय के अधिवक्ता श्री पी.आर. राय को, विशेष न्यायाधीश गंगटोक की अदालत में तथा अन्य स्थानों पर श्री नर बहादुर भण्डारी तथा अन्यो के विरुद्ध दिल्ली विशेष पुनर्म स्थापना नियमित मामला संख्या 5 (ए)/84-ए.सी.यू. (वी.) सी.बी.आई./नई दिल्ली तथा 8 (ए)/84-ए.सी.यू. (वी.) सी.बी.आई., नई दिल्ली में अभियोजन करने तथा इससे जुड़ी अन्य कार्यवाहियां करने के लिए विशेष लोक अभियोजक नियुक्त करती है।

[संख्या-225/32/95-ए.वी.डी.-II]

एस. सौंदर राजन, अवसर सचिव

S.O. 1042.—In exercise of the powers conferred by the sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints Shri R. R. Ray, Advocate Calcutta High Court, as Special Public Prosecutor for conducting the prosecution and also any other proceeding arising out of the Delhi Special Police Establishment Regular Case Nos. 5(A)/84-ACU(V)/CBI/New Delhi and 8(A)/84-ACU(V)/CBI/New Delhi against Shri Nar Bahadur Bhandari and others in the Court of Special Judge, Gangtok and other places.

[No. 225/32/95-AVD.II]

S. SOUNDAR RAJAN, Under Secy.

वित्त मंत्रालय

(राजस्व विभाग)

नई दिल्ली, 5 जनवरी, 1996

(आयकर)

का.आ. 1043 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उप-खंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री कृष्ण जन्म स्थान सेवा संस्थान, मथुरा" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात्:—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उप-धारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा।

- (iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9932 फा.सं. 197/140/95-आयकर

नि. I]

एच.के. चौधरी, अवसर सचिव

## MINISTRY OF FINANCE

(Department of Revenue)

New Delhi, the 5th January, 1996

## (INCOME-TAX)

S.O. 1043.—In exercise of the powers conferred by sub-clause (V) of clause 23(C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby "notifies Shri Krishan Janamasthan Seva Sansthan," Mathura for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9932/(F. No. 197/140/95-IT-AD)]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 5 जनवरी, 1996

(आयकर)

का.आ. 1044 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा "श्री ब्रह्मात्म स्वतंत्र परकला स्वामी मठ, कर्नाटक" को कर-निर्धारण वर्ष 1991-92 से 1993-94 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर-उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न तरीकों से इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभि-लाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9931 (फा.सं. 197/60/95—आयकर नि.-1)]

एच.के. चौधरी, अवर सचिव

New Delhi, the 5th January, 1996

## (INCOME-TAX)

S.O. 1044.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), "Sri Brahmaatmantra Swatantra Parakala Swamy Mutt", Karnataka for the purpose of the said sub-clause for the assessment years 1991-92 to 1993-94 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9931/(F. No. 197/60/95-ITA-1)]

H. K. CHOUDHARY, Under Secy

नई दिल्ली, 10 जनवरी, 1996

(आयकर)

का.आ. 1045 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "ब लता इर्वाद डी.वी. मेहताज जोरोस्टीयन अंजुमन "आतश अद्वारन", कलकत्ता" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग अथवा तरीकों से भिन्न इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;
- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी जो कि कारोबार से प्राप्त लाभ तथा

अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9937/(फा.सं. 197/152/95-आयकर नि.-1)]

एच.के. चौधरी, अवर सचिव

New Delhi, the 10th January, 1996

(INCOME-TAX)

S.O. 1045.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "The Late Ervad D. B. Mehta's Zoroastrian Anjuman 'Atash Adaran', Calcutta," for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9937/(F. No. 197/152/95-IT AD)]

II. K. CHOUDHARY, Under Secy.

नई दिल्ली, 10 जनवरी, 1996

(आयकर)

का.आ. 1046 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "श्री शारदा मठ, दक्षिणेश्वर, कलकत्ता" को कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (1) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;
- (2) कर-निर्धारिती ऊपर उल्लिखित कर-निर्धारण वर्षों से संगत पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा II की उपधारा (5) में विनिर्दिष्ट किसी एक अथवा एक से अधिक ढंग से अथवा तरीकों से भिन्न

इसकी निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अथवा उसे जमा नहीं करवा सकेगा;

- (3) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अभिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिती के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएं नहीं रखी जाती हों।

[अधिसूचना सं. 9936 (फा.सं. 197/148/95-आयकर नि.-1)]

एच.के. चौधरी, अवर सचिव

New Delhi, the 10th January, 1996

(INCOME-TAX)

S.O. 1046.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "Shri Sarada Math, Dakshineswar, Calcutta", for the purpose of the said sub-clause for the assessment years 1996-97 to 1998-99 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9936/(F. No. 197/148/95-IT-AD)]

H. K. CHOUDHARY, Under Secy.

नई दिल्ली, 29 जनवरी, 1996

(आयकर)

का.आ. 1047 :—आयकर अधिनियम, 1961 (1961 का 43) की धारा 10 के खंड (23-ग) के उपखंड (5) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा "टी.वी.एस. चेरीटीज, मडुरई" को कर-निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए निम्नलिखित शर्तों के अधीन रहते हुए उक्त उपखंड के प्रयोजनार्थ अधिसूचित करती है, अर्थात् :—

- (i) कर-निर्धारिती इसकी आय का इस्तेमाल अथवा इसकी आय का इस्तेमाल करने के लिए इसका संचयन पूर्णतया तथा अनन्यतया उन उद्देश्यों के लिए करेगा, जिनके लिए इसकी स्थापना की गई है;

(ii) कर-निर्धारिता ऊपर उल्लिखित कर-निर्धारण वर्षों से संगन पूर्ववर्ती वर्षों की किसी भी अवधि के दौरान धारा 11 की उपधारा (5) में विनिर्दिष्ट किसी एक अवधि या एक से अधिक तंग अवधि तरीकों से भिन्न तरीकों से इपलो निधि (जेवर-जवाहिरात, फर्नीचर आदि के रूप में प्राप्त तथा रख-रखाव में स्वैच्छिक अंशदान से भिन्न) का निवेश नहीं करेगा अवधि उसे जमा नहीं करवा सकेगा;

(iii) यह अधिसूचना किसी ऐसी आय के संबंध में लागू नहीं होगी, जो कि कारोबार से प्राप्त लाभ तथा अनिलाभ के रूप में हो जब तक कि ऐसा कारोबार उक्त कर-निर्धारिता के उद्देश्यों की प्राप्ति के लिए प्रासंगिक नहीं हो तथा ऐसे कारोबार के संबंध में अलग से लेखा-पुस्तिकाएँ नहीं रखी जाती हों।

[अधिसूचना सं. 9950/(फा.सं. 197/162/95-आयकर (नि.-I)]

एच.के. चौधरी, अवसर सचिव

New Delhi, the 29th January, 1996

#### (INCOME-TAX)

S.O. 1047.—In exercise of the powers conferred by sub-clause (V) of clause (23C) of Section 10 of the Income-tax Act, 1961 (43 of 1961), the Central Government hereby notifies "T.V.S. Charitable, Madurai for the purpose of the said sub-clause for the assessment years 1995-96 to 1997-98 subject to the following conditions, namely :—

- (i) the assessee will apply its income, or accumulate for application, wholly and exclusively to the objects for which it is established;
- (ii) the assessee will not invest or deposit its funds (other than voluntary contributions received and maintained in the form of jewellery, furniture etc.) for any period during the previous years relevant to the assessment years mentioned above otherwise than in any one or more of the forms or modes specified in sub-section (5) of Section 11;
- (iii) this notification will not apply in relation to any income being profits and gains of business, unless the business is incidental to the attainment of the objectives of the assessee and separate books of accounts are maintained in respect of such business.

[Notification No. 9950/(F. No. 197/162/95-IT-AD)]

H. K. CHOUDHARY, Under Secy.

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

शुद्धि-पत्र

नई दिल्ली, 5 फरवरी, 1996

का.आ. 1048 :—भारत के राजपत्र (असाधारण) के भाग-II, खण्ड 3, उप खण्ड (ii) में प्रकाशित भारत सरकार, वित्त मंत्रालय, (आर्थिक कार्य विभाग) (बैंकिंग प्रभाग) की दिनांक 3 अप्रैल, 1995 की "अधिसूचना" का.आ. 289 (अ) के पृष्ठ 2 के पहले कालम की पंक्ति 4 में "स्कीम" के स्थान पर "(संशोधन) स्कीम" पढ़ा जाए।

[एफ.सं. 4/1/94-बी.ओ.-1 (I)]

के.के. मंगल, अवसर सचिव

(Department of Economic Affairs)

(Banking Division)

CORRIGENDUM

New Delhi, the 5th February, 1996

S.O. 1048.—In the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) (Banking Division) No. S.O. 289(E), dated the 3rd April, 1995 published at page 5 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), in the first column, in line 11 for "Scheme" read "(Amendment) Scheme".

[F. No. 4/1/94-B.O.I(i)]

K. K. MANGAL, Under Secy.

शुद्धि-पत्र

नई दिल्ली, 5 फरवरी, 1996

का.आ. 1049 :—भारत के राजपत्र (असाधारण) के भाग-II, खण्ड 3, उपखण्ड (ii) में प्रकाशित भारत सरकार, वित्त मंत्रालय (आर्थिक कार्य विभाग), (बैंकिंग प्रभाग) की दिनांक 3 अप्रैल, 1995 की अधिसूचना का.आ. 290 (अ) के पृष्ठ 7 पहले कालम की पंक्ति 10 में "स्कीम" के स्थान पर "(संशोधन) स्कीम" पढ़ा जाए।

[एफ.सं. 4/1/94-बी.ओ.-1 (II)]

के.के. मंगल, अवसर सचिव

CORRIGENDUM

New Delhi, the 5th February, 1996

S.O. 1049.—In the English version of the notification of the Government of India in the Ministry of Finance (Department of Economic Affairs) (Banking Division) No. S.O. 290(E), dated the 3rd April, 1995 published at page 9 of the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii) in line 11 for "Scheme" read "(Amendment) Scheme".

[F. No. 4/1/94-B.O.I(ii)]

K. K. MANGAL, Under Secy.

नई दिल्ली, 13 मार्च, 1996

का.आ. 1050 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक की सिफारिश पर यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उप-धारा 1 के उपबंध इस अधिमूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से 31 मार्च, 1998 तक श्रीकाकुलम जिना केन्द्रीय सहकारी बैंक लि., (आन्ध्र प्रदेश) पर लागू नहीं होंगे।

[फा.सं. 1 (1)/96-ए.सी.]

बी.ए. नारायणन, अवर सचिव

New Delhi, the 13th March, 1996

S.O. 1050.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-Section 1 of Section 11 of the said Act shall not apply to the Srikakulam District Central Co-operative Bank Ltd. (Andhra Pradesh) from the date of publication of this notification in the Official Gazette to 31st March 1998.

[F. No. 1(1)/96-AC]

B. A. NARAYANAN, Under Secy.

अधिमूचना

नई दिल्ली, 13 मार्च, 1996

का.आ. 1051 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारतीय रिजर्व बैंक की सिफारिश पर यह घोषणा करती है कि उक्त अधिनियम की धारा 11 की उप-धारा 1 के उपबंध इस अधिमूचना के सरकारी राजपत्र में प्रकाशित होने की तारीख से 31 मार्च, 1997 तक दार्जिलिंग डीसी-सोर्वा लि., दार्जिलिंग (पश्चिम बंगाल) पर लागू नहीं होंगे।

[फा.सं. 1 (6)/96-ए.सी.]

बी.ए. नारायणन, अवर सचिव

New Delhi, the 13th March, 1996

S.O. 1051.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of Sub-Section 1 of Section 11 of the said Act shall not apply to the Darjeeling District Central Co-operative Bank Ltd., Darjeeling (West Bengal) from the date of publication of this notification in the Official Gazette to 31 March, 1997.

[F. No. 1(6)/96-AC]

B. A. NARAYANAN, Under Secy.

नई दिल्ली, 21 मार्च, 1996

का.आ. 1052 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिमूचना के प्रकाशन की तारीख से 31 मार्च, 1998 तक बौध को-ऑपरेटिव मेन्टल बैंक लि., बौध (उड़ीसा) पर लागू नहीं होंगे।

[सं. 1(9)/96-ए.सी.]

सुधीर श्रीवास्तव, उप सचिव

New Delhi, the 21st March, 1996

S.O. 1052.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendations of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Bondh Co-operative Central Bank of Ltd. Bondh (Orissa) from the date of publication of this notification in the Official Gazette to 31 March 1998.

[F. No. 1(9)/96-AC]

SUDHIR SHRIVASTAVA, Dy. Secy.

नई दिल्ली, 21 मार्च, 1996

का.आ. 1053 :—बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 56 के साथ पठित धारा 53 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय रिजर्व बैंक की सिफारिश पर, घोषणा करती है कि उक्त अधिनियम की धारा 11 की उपधारा 1 के उपबंध सरकारी राजपत्र में इस अधिमूचना के प्रकाशन की तारीख से 30 जून, 1997 तक सीकर केन्द्रीय सहकारी बैंक लि., सीकर (राजस्थान) पर लागू नहीं होंगे।

[सं. 1(10)/96-ए.सी.]

सुधीर श्रीवास्तव, उप सचिव

New Delhi, the 21st March, 1996

S.O. 1053.—In exercise of the powers conferred by Section 53 read with Section 56 of the Banking Regulation Act, 1949 (10 of 1949) the Central Government on the recommendation of the Reserve Bank of India declares that the provisions of sub-section 1 of Section 11 of the said Act shall not apply to the Sikar Kendriya Sahakari Bank Ltd., Sikar (Rajasthan State) from the date of publication of this notification in the Official Gazette to 30 June, 1997.

[F. No. 1(10)/96-AC]

SUDHIR SHRIVASTAVA, Dy. Secy.

नई दिल्ली, 22 मार्च, 1996

का.आ. 1054 :—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उप-बंध) स्कीम, 1970 के खण्ड 3 और खण्ड 8 के उपखण्ड (1) के साथ पठित बैंककारी कम्पनी (उपक्रमों का अर्जन एवं अन्तर्गण) अधिनियम, 1970 की धारा 9 की उपधारा 3

के खण्ड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात्, एन.डी.आर. और के.बी. कृष्णमूर्ति, वर्तमान महा-प्रबंधक, सेन्ट्रल बैंक ऑफ इंडिया को उनके कार्यभार ग्रहण करने की तारीख से पांच वर्षों की अवधि के लिए, बैंक ऑफ इंडिया के पूर्णकालिक निदेशक (कार्यपालक निदेशक के रूप में पदनामित) नियुक्त करती है।

[एफ. सं. 9/16/95-बी.ओ.-1]

के.के. मंगल, अवसर सचिव

New Delhi, the 22nd March, 1996

S.O. 1054.—In exercise of the powers conferred by clause (a) of sub-section 3 of section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970, read with clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970, the Central Government, after consultation with the Reserve Bank of India, hereby appoints Shri K. V. Krishnamurthy, presently General Manager, Central Bank of India as a wholetime Director (designated as the Executive Director) of Bank of Baroda for a period of five years from the date of his taking charge.

[F. No. 9/16/95-B.O.I.]

K. K. MANGAL, Under Secy.

(राजस्व विभाग)

केन्द्रीय प्रत्यक्ष कर बोर्ड

नई दिल्ली, 26 मार्च, 1996

का.आ. 1055.—सर्वसाधारण की सूचना के लिए यह अधि-सूचित किया जाता है कि केन्द्र सरकार द्वारा मैसर्स मनीपाल हाउसिंग फाइनेंस सिंडीकेट लि., "मनीपाल हाउस, मनी-पाल-576119 (डी.के.)—कर्नाटक को आयकर अधिनियम 1961 की धारा 36(1)(viii) के प्रयोजनार्थ कर-निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए हाउसिंग फाइनेंस कम्पनी के रूप में अनुमोदित किया गया है।

2. यह अनुमोदन इस शर्त पर किया जाता है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10048/फा.सं. 204/2/95-आयकर-नि-II]

निशि सिंह, उप सचिव

Central Board of Direct Taxes

New Delhi, the 26th March, 1996

S.O. 1055.—It is notified for general information that M/s. Manipal Housing Finance Syndicate Ltd., "Manipal House", Manipal-576119 (D.K.)—Karnataka have been approved by the Central Government as a Housing Finance Company for the purposes of section 36(1)(viii) of the Income Tax Act, 1961, for the assessment years 1996-97 to 1998-99.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10048/F. No. 204/2/95/ITA.II]

NISHI SINGH, Dy. Secy.

नई दिल्ली, 26 मार्च, 1996

का.आ. 1056.—आयकर अधिनियम, 1961 की धारा 26 को उपधारा (1) के खंड (viii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार मैसर्स दिल्ली फाइनेंशियल कॉर्पोरेशन, सरस्वती भवन, ई-ब्लॉक, कनाट प्लेस, नई दिल्ली-110001 को कर निर्धारण वर्ष 1996-97 से 1998-99 तक के लिए उक्त खंड के प्रयोजनार्थ एक कम्पनी के रूप में अनुमोदित करती है।

यह अनुमोदन इस शर्त पर किया गया है कि कम्पनी आयकर अधिनियम, 1961 की धारा 36(1)(viii) के उपबन्धों के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10044/फा.सं. 204/5/95-आयकर-नि-II]

निशि सिंह, उप सचिव

New Delhi, the 26th March, 1996

S.O. 1056.—In exercise of the powers conferred by clause (viii) of sub-section (1) of Section 36 of Income-tax Act, 1961, Central Government hereby approves M/s. Delhi Financial Corporation, Saraswati Bhavan, E-Block, Connaught Place, New Delhi-110001, as a Company for the purposes of said clause for assessment years 1996-97 to 1998-99.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10044/F. No. 204/5/95/ITA.II]

NISHI SINGH, Dy. Secy.

नई दिल्ली, 26 मार्च, 1996

का.आ. 1057.—सर्वसाधारण की सूचना के लिए यह अधि-सूचित किया जाता है कि केन्द्रीय सरकार द्वारा मैसर्स विजय होम लोन्स लिमिटेड, संख्या 329, 10वीं "ए" मेन, जी.बी.एस. कम्प्लेक्स, द्वितीय तल, ब्लॉक-III, जयनगर, बंगलोर को आयकर अधिनियम, 1961 की धारा 36(1)(viii) के प्रयोजनार्थ कर निर्धारण वर्ष 1995-96 से 1997-98 तक के लिए हाउसिंग फाइनेंस कम्पनी के रूप में अनुमोदित किया गया है।

यह अनुमोदन इस शर्त पर किया गया है कि कम्पनी आयकर अधिनियम, 1961 की धारा-36(1)(viii) के अनुरूप होगी और उनका अनुपालन करेगी।

[अधिसूचना सं. 10045/फा.सं. 204/20/95-आयकर-नि-II]

निशि सिंह, उप सचिव

New Delhi, the 26th March, 1996

S.O. 1057.—It is notified for general information that M/s. Vijaya Home Loans Limited, No. 329, 10th 'A' Main, GVS Complex, II Floor, III Block, Jayanagar, Bangalore, have been approved by the Central Government as a Housing Finance Company for the purposes of Section 36(1)(viii) of the Income-tax Act, 1961, for the assessment years 1995-96 to 1997-98.

2. The approval is subject to the condition that the company will conform to and comply with the provisions of section 36(1)(viii) of the Income-tax Act, 1961.

[Notification No. 10045/F. No. 204/20/95/ITA.II]

NISHI SINGH, Dy. Secy.



## केन्द्रीय उत्पाद एवं सीमाशुल्क समाहृतिसूचि

## CUSTOMS AND CENTRAL EXCISE COMMISSIONERATE

नागपुर, 2 फरवरी, 1996

Nagpur, the 2nd February, 1996

का.आ. 1058.—श्री एच. रेहमान, अधीक्षक समूह "ख" केन्द्रीय उत्पाद शुल्क आयुक्तालय, नागपुर निवृत्ति की आयु प्राप्त करने पर दिनांक 31-01-1996 को अपरान्ह में शासकीय सेवा से निवृत्त हुए हैं।

S.O. 1058.—Shri H. Rehman, Superintendent Group 'B', Central Excise Commissionerate, Nagpur having attained the age of super-annuation retired from Government service on 31-01-1996 in the afternoon.

[प. सं. 11(3)/3/95-स्थापना-I/2599]

[C. No. II(3)3/95/Estt. I/2599]

आर.जे. बेले, अपर आयुक्त (कार्मिक एवं सतर्कता)

R. J. BELEY, Additional Commissioner (P&amp;V)

## नागरिक पूर्ति उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

(भारतीय मानक ब्यूरो)

नई दिल्ली, 14 मार्च, 1996

का. आ. 1059.—भारतीय मानक ब्यूरो नियम 1987 के नियम 7 के उपनियम (1) के खंड "ख" के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि नीचे दिए गए मानक (कों) में संशोधन किया गया है/किए गए हैं

## अनुसूची

क्रम संशोधित भारतीय मानक की संख्या और वर्ष संख्या	संशोधन की संख्या और तिथि	संशोधन लागू होने की तारीख
(1)	(2)	(3)
1. आई एस 609 : 1955	संशोधन सं. 2, जनवरी 1996	96-01-31
2. आई एस 1907 : 1984	संशोधन सं. 1, जनवरी 1996	96-01-31
3. आई एस 2849 : 1983	संशोधन सं. 2, नवम्बर, 1995	95-11-30
4. आई एस 3996 : 1982	संशोधन सं. 1, जनवरी 1996	96-01-31
5. आई एस 3997 : 1982	संशोधन सं. 1, जनवरी 1996	96-01-31
6. आई एस 6106 : 1971	संशोधन सं. 2, जनवरी 1996	96-01-31
7. आई एस 6175 (भाग 3) : 1992	संशोधन सं. 1, जनवरी 1996	96-01-31
8. आई एस 6175 (भाग 5) : 1991	संशोधन सं. 1, जनवरी 1996	96-01-31
9. आई एस 7081 : 1973	संशोधन सं. 3, जनवरी 1996	96-01-31
10. आई एस 7538 : 1975	संशोधन सं. 3 मई 1987	87-05-31
11. आई एस 7538 : 1975	संशोधन सं. 4, जुलाई 1989	89-07-31
12. आई एस 9295 : 1983	संशोधन सं. 1, जनवरी 1996	96-01-31

इन संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जकर मार्ग नई दिल्ली-110002 और क्षेत्रीय कार्यालयों नई दिल्ली, कलकत्ता, चंडीगढ़, मद्रास तथा मुम्बई और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बरूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना तथा थिक्कनेन्नापुरम में बिक्री हेतु उपलब्ध हैं।

[सं. के. प्र. वि./13:5]

जी. रामन, अपर महानिदेशक

**MINISTRY OF CIVIL SUPPLIES  
CONSUMER AFFAIRS & PUBLIC DISTRIBUTION  
(BUREAU OF INDIAN STANDARDS)**

New Delhi, the 14th March, 1996

S.O. 1059.—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that amendment(s) to the Indian Standard(s), particulars of which is/are given in the Schedule hereto annexed, has/have been issued :

**SCHEDULE**

Sl. No. and year of the Indian Standard(s) No. amended	No. and year of the amend- ment	Date from which the amend- ment shall have effect	
(1)	(2)	(3)	(4)
1. IS 609:1955	Amendment No. 2 January 1996		96-01-31
2. IS 1907:1984	Amendment No. 1 January 1996		96-01-31
3. IS 2849:1983	Amendment No. 2 November 1995		95-11-30
4. IS 3996:1982	Amendment No. 1 January 1996		96-01-31
5. IS 3997:1982	Amendment No. 1 January 1996		96-01-31
6. IS 6106:1971	Amendment No. 2 January 1996		96-01-31
7. IS 6175 (Part 3) : 1992	Amendment No. 1 January 1996		96-01-31
8. IS 6175 (Part 5) : 1991	Amendment No. 1 January 1996		96-01-31
9. IS 7081 : 1973	Amendment No. 3 January 1996		96-01-31
10. IS 7538:1975	Amendment No. 3 May 1987		87-05-31
11. IS 7538 : 1975	Amendment No. 4 July 1989		89-07-31
12. IS 9295:1983	Amendment No. 1 January 1996		96-01-31

Copies of these amendments are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110 002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Mumbai and also Branch Offices : Ahmadabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13 : 5]1  
G. RAMAN, Addl. Director General

नई दिल्ली, 14 मार्च, 1996

का. आ. 1060.—भारतीय मानक ब्यूरो नियम, 1987 के नियम 7 के उपनियम (1) की खंड (ख) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा अधिसूचित करता है कि जिस/जिन भारतीय मानक/मानकों, का./के विवरण नीचे अनुसूची में दिया गया है/विए गए हैं, वह/वे स्थापित हो गया है/हो गए हैं।

## अनुसूची

क्रम स्थापित भारतीय मानक(कों) की संख्या वर्ष और शीर्षक सं.	नए भारतीय मानक द्वारा अतिक्रमित भारतीय मानक अथवा मानकों, यदि कोई हों, की सं. और वर्ष	स्थापित तिथि
(1)	(2)	(3)
1. आई एस 519-5 (1980) विद्युत्ताप संस्थापनों में सुरक्षा भाग 5 प्लाज्मा संस्थापनों में सुरक्षा-विशिष्ट	--	95-11-30
2. आई एस 519-9 (1987) विद्युत्ताप संस्थापनों में सुरक्षा भाग 9 उच्च बारंबारता परा वैद्युत तापन स्थापनों की विशेष अपेक्षाएं—विशिष्ट	--	95-10-31
3. आई एस 802 (भाग 1/अनु 1) : 1995 शिरोपरि प्रेषण लाईन टावरों में संरचना इस्पात उपयोग की रीति संहिता भाग 1 सामग्री भार और अनुमत प्रतिबल अनुभाग 1 सामग्री और भार (तीसरा पुनरीक्षण)	--	95-09-30
4. आई एस 1131-2 (1992)—प्रोप्रायमन योस्य नियंत्रक भाग 2 उपस्कर संबंधी अपेक्षाएं और परीक्षण	--	95-10-31
5. आई एस 1930 : 1995 छैनियां और गोल रुखानी—विशिष्ट (दूसरा पुनरीक्षण)	—	95-08-30
6. आई एस 2269 : 1995 बंधक—पटकोणी साकेट शीर्ष टोपी वाले पेंच—विशिष्ट (तीसरा निरीक्षण)	आई एस 2269 : 1981	95-11-30
7. आई एस 3652 : 1995 फसल संरक्षण उपस्कर—पाद फुहारा—विशिष्ट (चौथा पुनरीक्षण)	आई एस 3652 : 1982	95-12-31
8. आई एस 3908 : 1995 फसल संरक्षण उपस्कर हस्त-चालित पीठ पर लावा जाने वाला संपीड़न फुहारा, पिस्टन टाइप—विशिष्ट (चौथा पुनरीक्षण)	--	95-12-31
9. आई एस 3972 (भाग 2/अनु 11) : 1995 क्लॉच इनेमल माण्ड के परीक्षण की पद्धतियां भाग 2 परीक्षण पद्धतियां अनुभाग 11 अपघर्षण के प्रति प्रतिरोधिता (पहला पुनरीक्षण)	--	95-12-31
10. आई एस 4119 : 1995 प्रेस—लकड़ी क्रोयले से जलने वाली—विशिष्ट (दूसरा पुनरीक्षण)	आई एस 4119 : 1987	95-10-31
11. आई एस 5139 : 1995 आक्सीएसिटिलीन और हस्त धातुभार्क वेल्डिंग द्वारा ठलवां लोहे की ढलाइयों की मरम्मत—सिफारिशें—(पहला पुनरीक्षण)	आई एस 5139 : 1969	95-11-30
12. आई एस 5170 : 1977 मशीन औजार स्नेहन प्रणाली	आई एस 5170 : 19-69	95-12-31

(1)	(2)	(3)	(4)
13. आई एस 5349: 1986 यान्त्रिक कम्पन—मानव शरीर में हृष के माध्यम से हुए विकम्पन के मापन और मूल्यांकन के मार्गदर्शी सिद्धांत	आई एस 5349: 1969		95-11-30
14. आई एस 5464: 1995 निम्बूवर्ण मोनोहाइड्रेट—विशिष्ट (पहला पुनरीक्षण)	आई एस 5464: 1970		95-11-30
15. आई एस 6462: 1983 परिवर्तनशील इन्सर्ट वाले फेस मिलिंग कंटर—आयाम	आई एस 6462: 1972		95-11-30
16. आई एस 6527: 1995 स्टेनलैस इस्पात की तार छड़ें—विशिष्ट (पहला पुनरीक्षण)	आई एस 6527: 1972		95-10-31
17. आई एस 7058: 1995 टेबल वाहन —-विशिष्ट (पहला पुनरीक्षण)	आई एस 7058: 1973		95-11-30
18. आई एस 7425-2: 1989 द्रवीय तरल शक्ति—इलेस्टो मरीकृत, प्लास्टिक युक्त सील—आयाम एवं छूटें भाग 2 छड़-सील वेशन	—		95-11-30
19. आई एस 7919-1: 1986 प्रत्यागामी मशीनों का यान्त्रिक कम्पन पूर्ण शैप का माप एवं मूल्यांकन भाग 1 सामान्य मार्गदर्शी सिद्धांत	—		95-11-30
20. आई एस 8119-3: 1992 वस्त्रादि मशीनरी एवं सहाय-कांग—बुनाई मशीनों की सुइयां—शब्दावली भाग 3 कम्पाउंड सुइयां	—		95-08-31
21. आई एस 8482: 1995 कोलोन —-विशिष्ट (पहला पुनरीक्षण)	आई एस 8482: 1977		95-11-30
22. आई एस 8686-1: 1989 भार और भार संयोजन के लिए क्रेन के डिजाईन सम्बन्धी सिद्धान्त भाग 1 सामान्य	—		95-11-30
23. आई एस 8686-5: 1992 भार और भार संयोजन के लिए क्रेन के डिजाईन संबंधी सिद्धांत भाग 5 शिरोपरि परिवहन और पोर्टल ब्रिज क्रेन	—		95-11-30
24. आई एस 8783 (भाग 1) : 1945 निमज्जन मोटरों के वाईडिंग तार—विशिष्ट भाग 1 चालक संबंधी आंकड़े (पहला पुनरीक्षण)	—		95-10-31
25. आई एस 8792: 1995 ए सी पावर प्रणालियों के लिए लाइन ट्रेप—विशिष्ट (पहला पुनरीक्षण)	आई एस 8792: 1978		95-11-3
26. आई एस 8793: 1995 ए सी पावर प्रणालियों के लिए लाइन ट्रेप—परीक्षण विधियां (पहला पुनरीक्षण)	आई एस 8793: 1978		95-11-30
27. आई एस 9373 : 1989 क्रेन तथा संबद्ध उपस्कर—परीक्षण के दौरान मापन मानदण्डों के लिए परिशुद्धता संबंधी अपेक्षाएं	आई एस 9373: 1979		95-11-30
28. आई एस 9565: 1995 इस्पात ढलाइयों के पारस्परिक निरीक्षण के लिए स्वीकरण मानक—विशिष्ट (दूसरा पुनरीक्षण)	आई एस 9565: 1986		95-12-31

(1)	(2)	(3)	(4)
29. आई एस 10143 : 1995 वायु चालित तरल पावर-32 मि.मी. से 320 मि.मी. बोर तक बियोजड्य आरोपण एवं छड़ सिलिंडर 1000 के पी ए (10 बार) श्रृंखला—आरोपण आयाम (पहला पुनरीक्षण)	आई एस 10143 : 1982		95-07-31
30. आई एस 11732 : 1995 इस्पात ढलाइयों के तरल अन्त-वैशन निरीक्षण के स्वीकृति मानक (पहला पुनरीक्षण)	आई एस 11732 : 1986		95-12-31
31. आई एस 11827 : 1995 स्क्वेल वाहन गतिमापक का अंशमोक्षण मूल्यांकन की पद्धति (पहला पुनरीक्षण)	आई एस 11827 : 1986		95-10-31
32. आई एस 12036 : 1995 कृषि ट्रैक्टर परीक्षण प्रक्रिया—पावर टेक आफ के लिए पावर परीक्षण (पहला पुनरीक्षण)	आई एस 12036 : 1987		95-10-31
33. आई एस 13360 (भाग 4/अनु 1) : 1995 मुषट्य-परीक्षण पद्धतियां भाग 4 प्रवाहिकी गुणधर्म अनुभाग 1 तापमुषट्य का पिघलन—द्रव्यमान प्रवाह दर (एम आर एफ) और पिघलन—आयतन प्रवाह दर (एम वी आर) ज्ञात करना	—		95-11-30
34. आई एस 13395 : 1995 खाना पकाने के बर्तन में लगने वाले हथुके और हथुका समुच्चय की कार्यकारिता—विशिष्ट	आई एस 13395 : 1991		95-10-31
35. आई एस 13558 (भाग 2) : 1995 फ्रैन नियंत्रण—अभिन्यास और लाक्षणिक भाग 2 चलक्रेन	—		95-12-31
36. आई एस 13558 (भाग 3) : 1995 फ्रैन नियंत्रण—अभिन्यास और लाक्षणिक भाग 3 टावर फ्रैन	—		95-12-31
37. आई एस 13614 (भाग 1) : 1995 जातीय तरल शक्ति शीघ्रकार्य—युग्मक भाग 1 आयाम और अपेक्षाएं	—		95-10-31
38. आई एस 13834 (भाग 3) : 1995 फ्रैन वर्गीकरण भाग 3 टावर फ्रैन	—		95-11-30
39. आई एस 13933 : 1995 सतहसक्रिय अभिकर्मक तैयार बायोविकर्गीकरण की परीक्षण पद्धति (आशोधित स्टर्म परीक्षण)	—		95-11-30
40. आई एस 13984 (भाग 1) : 1995 सम्पर्क और परीक्षण संयोजनों की विशिष्ट भाग 1 परिचय अनुसूची और अपेक्षाएं	—		95-12-31
41. आई एस 13984 (भाग 2/अनु 4) : 1995 सम्पर्क और परीक्षण संयोजन—विशिष्ट भाग 2 पारम्परिक तारस्थापन के लिए साकेट अनुभाग 4, छः मार्गी साकेट सम्पर्क और परीक्षण कनेक्टर	—		95-11-30
42. आई एस 13996 : 1995 अस्तर वाले विद्युतवाही रबड़ के जूते—विशिष्ट	—		95-11-30
43. आई एस 14261 : 1995 संचरण युक्तियां बी-पट्टे-औद्योगिक प्रयोजनों के लिए सिगहीन संकीर्ण बी-पट्टे-विशिष्ट	—		95-12-31
44. आई एस 14271 : 1995 इंजीनियरी माप बिज्ञान—हायल स्टेप गेज—विशिष्ट	—		95-11-30

(1)	(2)	(3)	(4)
45. आई एस 14272 (भाग 1) : 1995 स्थूल वाहन— टाइप—शब्दावली भाग 1 तीन और चार पहिए वाले	---		95-12-31
46. आई एस 14276 : 1995 सीमेंट बट्ट पाटिकल बोर्ड— विशिष्ट	---		95-10-31
47. आई एस 14278 : 1995 कंक्रीट और चिनाई बांधों में प्रतिबल मापन युक्तियाँ—मंस्थापन, चालू करना और प्रेक्षण—रीति संहिता	---		95-10-31
48. आई एस 14281 : 1995 मेड-अप वस्त्र मद से सम्बन्धित सार्वजनिक शब्दावली	---		95-09-30
49. आई एस 14286 : 1995 क्रिस्टलीन सिलिकोन फोटो- वोल्टीय मोड्यूल हेतु योग्यता परीक्षण प्रक्रियाएं	---		95-11-30
50. आई एस 14298 : 1995 स्नेहन उपस्कर तेल के लिए बैरल अन्तरण पम्प—विशिष्ट	---		95-11-30
51. आई एस 14303 : 1995 उच्चतापसह उद्योग के लिए मेग्नेसाइट—विशिष्ट	---		95-10-31
52. आई एस 14309 : 1945 मिश्रित खाद्य वनस्पति तेल— विशिष्ट	---		95-10-31
53. आई एस 14317 : 1945 पोत निर्माण पूर्वरूपित दूध पालीथाइसोसाइएनुरेट ताप रोधन फोम सामग्रियाँ—विशिष्ट	---		95-10-31
54. आई एस 14320 : 1995 वस्त्रादि महिलाओं के लिए सादी बुनी सूती पैन्टोज—विशिष्ट	---		95-11-30
55. आई एस 14321 : 1995 धातुओं और मिश्रधातुओं का संश्लेषण-पर्यावरण संश्लेषणता संवर्धों के लिए अनुशसितमान	---		95-11-30
56. आई एस 14328 : 1995 पैकेजबंदी—500 कि.ग्राम तक डीजल इंजन की निर्यात पैकेजबंदी—रीतिसंहिता	---		95-11-30
57. आई एस 14331 : 1995 उच्चताप मान के कब्जे बनाने के अनुप्रयोगों के लिए इस्पात—विशिष्ट	---		95-12-31
58. आई एस क्यू सी 680000 (1995) क्वार्टेज क्रिस्टल इकाईयों—आई ई सी क्वालिटी असेसमेंट सिस्टम फार इलेक्ट्रॉनिक कम्पोनेंट्स (आई ई सी क्यू) की विशिष्ट— सामान्य विशिष्ट	---		95-12-31
59. आई एस क्यू सी 790132 (1995) अर्धचालक युक्तियाँ एकीकृत परिपथ हिंधुषी एकाधर डिजिटल एकीकृत परि- पथ द्वारों (अप्रतिबद्ध तर्कसंगत सरकिटों के अतिरिक्त) की डिजिटल एकीकृत परिपथों की व्यापक विवरण विशिष्ट	---		95-12-31

इन मानकों/संशोधनों की प्रतियाँ भारतीय मानक ब्यूरो, मानक भवन, 9 बहादुर शाह जफर मार्ग, नई दिल्ली-110002 और क्षेत्रीय कार्यालयों मुम्बई, कलकत्ता, चण्डीगढ़ तथा मद्रास और शाखा कार्यालयों अहमदाबाद, बंगलौर, भोपाल, भुवनेश्वर, कोयम्बटूर, फरीदाबाद, गाजियाबाद, गुवाहाटी, हैदराबाद, जयपुर, कानपुर, लखनऊ, पटना, थिरुवनन्थापुरम में विक्री हेतु उपलब्ध हैं।

[सं. के. प्र. वि. 13:2]

जी. रामन, अपर महानिदेशक

New Delhi, the 14th March, 1996

S.O. 1060.—In pursuance of clause (b) of Sub-rule (1) of Rule (1) of Rule 7 of the Bureau of Indian Standards Rules 1987, the Bureau of Indian Standards hereby notifies that the Indian Standard(s), particulars of which are given in the Schedule hereto annexed, has/have been established on the date indicated against each :

## THE SCHEDULE

Sl. No.	No. year and Title of the Indian Standard(s) Established	No. and year of the Indian Standard or Standards, if any, superseded by the new Indian Standard	Date of Establishment
(1)	(2)	(3)	(4)
1.	IS 519-5(1980)—Safety in electroheat installation Part 5 Specification for safety in plasma installation.	—	95-11-30
2.	IS 519-9 (1987)—Safety in electroheat installations Part 9 Particular requirements for high-frequency dielectric heating installations	—	95-10-31
3.	IS 802 (Part 1/Sec 1) : 1995—Use of structural steel in overhead transmission line towers—Code of prac- tice Part 1 Materials, Loads and permissible stresses Section 1 Materials and Loads (Third Revision)	—	95-09-30
4.	IS 1131-2 (1992)—Programmable controllers Part 2 Equipment requirements and tests	—	95-10-31
5.	IS 1930 : 1995—Chisels and Gouges—Specification (Second Revision)	—	95-06-30
6.	IS 2269:1995—Fasteners—Hexagon socket head cap [ screws—Specification (Third Revision)	IS 2269 : 1981	95-11-30
7.	IS 3652:1975—Crop protection equipment—Foot sprayer—Specification	IS 3652 : 1982	95-12-31
8.	IS 3906:1995—Crop protection equipment—Hand- sprayer—Specification	—	95-12-31
8.	IS 3906 : 1995—Crop protection equipment—Hand- operated knapsack sprayers, piston type—Specifica- tion. (Fourth Revision)	—	95-12-31
9.	IS 3972 (Part 2/Sec 11) : 1995—Methods of test for vitreous enamelware Part 2 Test Methods Section 11 Resistance to Abrasion. (First Revision)	—	95-12-31
10.	IS 4119 : 1995—Press—Charcoal burning—Specifica- tion. (Second Revision)	IS 4119 : 1987	95-10-31
11.	IS 5139 : 1995—Repair of cast iron castings by oxy- acetylene and manual metal ARC welding—Recom- mendations (First Revision)	IS 5139 : 1969	95-11-30
12.	IS 5170 : 1977—Machine tools—Lubrication sys- tems	IS 5170 : 1969	95-12-31

(1)	(2)	(3)	(4)
13.	IS 5349:1986—Mechanical vibration—Guidelines for the measurement and the assessment of human exposure to hand transmitted vibration.	IS 5349 : 1969	95-11-30
14.	IS 5464 : 1995—Citric acid, monohydrate—Specification. (First Revision)	IS 5464 : 1970	95-11-30
15.	IS 6462 : 1983—Face milling cutters with indexable inserts—Dimensions	IS 6462 : 1972	95-11-30
16.	IS 6527 : 1995—Stainless steel wire rods—Specification. (First Revision)	IS 6527 : 1972	95-10-31
17.	IS 7058 : 1995—Table wines Specification. (First Revision)	IS 7058 : 1973	95-11-30
18.	IS 7425-2 : 1989—Hydraulic fluid power—Housings for elastomer-energized, plastic-faced seals—Dimensions and tolerances. Part 2 Rod seal housings	—	95-11-30
19.	IS 7919-1 : 1986—Mechanical vibration of non-reciprocating machines—Measurement on rotating shafts and evaluation Part 1 General Guidelines.	—	95-11-30
20.	IS 8119-3 : 1992—Textile machinery and accessories—Needles for knitting machines—Terminology Part 3 Compound Needles.	—	95-08-31
21.	IS 8482 : 1995—Cologne—Specification (First Revision)	IS 8482 : 1977	95-11-30
22.	IS 8686-1 : 1989—Cranes—Design principles for loads and load combinations Part 1 General	—	95-11-30
23.	IS 8686 -5 : 1992—Cranes—Design principles for loads and load combinations Part 5 Overhead travelling and portal bridge cranes	—	95-11-30
24.	IS 8783 (Part 1) : 1995—Winding wires for submersible motors—Specifications Part 1 Conductor Data. (First Revision)	—	95-10-31
25.	IS 8792 : 1995—Line traps for AC power systems—Specification. (First Revision)	IS 8792 : 1978	95-11-30
26.	IS 8793 : 1995—Line traps for AC power systems—Methods of tests. (First Revision)	IS 8793 : 1978	95-11-30
27.	IS 9373 : 1989—Cranes and related equipment—Accuracy requirements for measuring parameters during testing.	IS 9373 : 1979	95-11-30
28.	IS 9565 : 1995—Acceptance standards for ultrasonic inspection of steel castings—Specification. (Second Revision)	IS 9565 : 1986	95-12-31



(1)	(2)	(3)	(4)
29. IS 10143 : 1995—Pneumatic fluid power—Single rod cylinders 1000 kPa (10 bar) series, with detachable mountings, bores from 32 mm to 320 mm—Mounting dimensions. (First Revision)	IS 10143 : 1982		95-07-31
30. IS 11732 : 1995—Acceptance standards for liquid penetrant inspection of steel casting. (First Revision)	IS 11732 : 1986		95-12-31
31. IS 11827 : 1995—Automotive vehicles—Calibration of speedometer—Method of evaluation. (First Revision)	IS 11827 : 1986		95-10-31
32. IS 12036 : 1995—Agricultural tractors—Test procedures—Power tests for power take-off. (First Revision)	IS 12036—1987		95-10-31
33. IS 13360 (Part 4/Sec 1) : 1995—Plastics—Methods of testing Part 4 Rheological properties Section 1 Determination of the melt mass-flow rate (MFR) and the melt volume-flow rate (MVR) of thermoplastics.	...		95-11-30
34. IS 13395 : 1995—Performance of handles and assemblies attached to cookware—Specification.	IS 13395 : 1992		95-10-31
35. IS 13558 (Part 2) : 1995—Cranes—Controls—Layout and characteristics Part 2 Mobile cranes.	—		95-12-31
36. IS 13558 (Part 3) : 1995—Cranes—Controls—Layout and characteristics Part 3 Tower cranes.	—		95-12-31
37. IS 13614 (Part 1) : 1995—Hydraulic fluid power—Quick action couplings Part 1 Dimensions and requirements.	—		95-10-31
38. IS 13834 (Part 3) : 1995—Cranes—Classification Part 3 Tower cranes.	—		95-11-30
39. IS 13933 : 1995—Method of test for ready biodegradability of surface active agents. (Modified sturm test).	—		95-11-30
40. IS 13984 (Part 1) : 1995—Link and test connectors—Specification. Part 1 Test schedule and requirements.	—		95-12-31
41. IS 13984 (Part 2/Sec 4) : 1995—Link and test connectors—Specification. Part 2 Socket for conventional wiring. Section 4 Six-way socket link and test connector.	—		95-11-30
42. IS 13996 : 1995—Rubber footwear, lined conducting—Specification.	—		95-11-30
43. IS 14261 : 1995—Transmission devices—V—belts—Endless narrow V-Belts for industrial use—Specification.	—		95-12-31
44. IS 14271 : 1995—Engineering metrology—Dial snap gauges—Specification.	—		95-11-30

(1)	(2)	(3)	(4)
45. IS 14272 (Part 1) : 1995—Automotive vehicles— Types—Terminology. Part I Three and four wheelers.	—	—	95-12-31
46. IS 14276 : 1995—Cement bonded particle boards— Specification.	—	—	95-10-31
47. IS 14278 : 1995—Stress measuring, devices in concrete and masonry dams—Installation, commissioning and observations—Code of practice.	—	—	95-10-31
48. IS 14281 : 1995—Glossary of terms relating to made- up textile items.	—	—	95-09-30
49. IS 14286 : 1995—Qualification test procedures for crystalline silicon photovoltaic modules.	—	—	95-11-30
50. IS 14298 : 1995—Lubricating equipment—Barrel transfer pumps for oil—Specification.	—	—	95-11-30
51. IS 14303 : 1995—Magnesite for refractory—industry Specification.	—	—	95-10-31
52. IS 14309 : 1995—Blended edible vegetable oils— Specification.	—	—	95-10-31
53. IS 14317 : 1995—Shipbuilding—Performed rigid polyisocyanurate foam thermal insulating materials— Specification.	—	—	95-10-31
54. IS 14320 : 1995—Textiles—Plain knitted, ladies', cotton panties—Specification.	—	—	95-11-30
55. IS 14321 : 1995—Corrosion of metals and alloys— Recommended values for the corrosivity categories of atmospheres.	—	—	95-11-30
56. IS 14328 : 1995—Packaging—Export packaging of diesel engines upto 500 kg—Code of practice.	—	—	95-11-30
57. IS 10331 : 1995—Steels for high temperature bolting applications—Specification.	—	—	95-12-31
58. IS QC 680000 (1995)—Quartz crystal units—A speci- fication in the IEC quality assessment system for electronic components (IECQ)—Generic specifica- tion.	—	—	95-12-31
59. IS QC 790132 (1995)—Semiconductor devices—Inte- grated circuits—Digital integrated circuits—Blank detail specification for bipolar monolithic digital integrated circuit gates (Excluding uncommitted lo- gic arrays)	—	—	95-12-31

Copies of these Indian Standards are available for sale with the Bureau of Indian Standards, Manak Bhavan, 9 Bahadur Shah Zafar Marg, New Delhi-110002 and Regional Offices : New Delhi, Calcutta, Chandigarh, Madras and Bombay and also Branch Offices : Ahmedabad, Bangalore, Bhopal, Bhubaneswar, Coimbatore, Faridabad, Ghaziabad, Guwahati, Hyderabad, Jaipur, Kanpur, Lucknow, Patna, Thiruvananthapuram.

[No. CMD/13:2]

G. RAMAN, Addl. Dir. General

## खाद्य मंत्रालय

(खाद्य प्रापण और वितरण विभाग)

गुप्त पत्र

नई दिल्ली, 18 मार्च, 1996

का. प्रा. 1061—भारत के राजपत्र सा. का. नि. संख्या 2439 दिनांक 21-9-1974 में प्रकाशित पूर्व के खाद्य विभाग के दिनांक 7-8-1974 के आदेश में कम संख्या 1143 पर दिए गए कर्मचारी का नाम "जिव नाथ मुकजी" का बजाए "सिबनाथ मुखोपाध्याय" पढ़ा जाए।

[संख्या 38020/1/96—एफ. सी. 3]

सहाय नारायण गुप्त, अवर सचिव

## MINISTRY OF FOOD

(Department of Food Procurement &amp; Distribution)

## CORRIGENDUM

New Delhi, the 18th March, 1996

S.O. 1061.—In the order dated 7-8-1974 of the erstwhile Department of Food publication in the gazette of India GSR No. 2439 dated 21-09-1974 the name of the official appearing at Sl. No. 1143 may be amended to read as "Sibnath Mukhopadhyay" instead of "Sibnath Mukherjee".

[F. No. 38020/1/96-FC-III]

S. N. GUPTA, Under Secy.

## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 15 मार्च, 1996

का. प्रा. 1062.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसूची में, श्री के. एन. दुबे, सचिव, माध्यमिक शिक्षा मंडल (बोर्ड) इंदौर को मध्य प्रदेश राज्य के राज्य क्षेत्र के अंतर्गत, उक्त अधिनियम के अधीन मध्य भारत विकास क्षेत्र परियोजना के लिए सक्षम प्राधिकारी के कर्तव्यों का निर्वहन करने हेतु प्राधिकृत करती है।

[का. सं. प्रा. 31015/22/95—ओ. प्रा. II]

के. सी. कटोच, अवर सचिव

## MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 15th March, 1996

S.O. 1062.—In pursuance of clause (a) of Section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises Shri K. N. Dubey, Divisional Secretary, Secondary Education Board, Indore to perform within the territory of State of Madhya Pradesh, the functions of competent authority under the said Act for Central India Refinery Project.

[File No. K-31015/22/95-OR-II]

K. C. KATOCH, Under Secy.

नई दिल्ली, 15 मार्च, 1996

का. प्रा. 1063.—यह पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. प्रा. सं. 833 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना में संलग्न भूमि में विनिर्दिष्ट भूमि में उपयोग के अधिकार की पाइपलाइनों को बिछाने के लिए प्रार्थना करने वाली प्रार्थना घोषित कर दिया था।

और यह: सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप धारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न भूमि में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिर्देश किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न भूमि में विनिर्दिष्ट उक्त भूमि में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एंड नेचुरल गैस कॉर्पोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जो एन आई बी से दायरे तहत पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : अहमद तालुका : धामोद

गांव	लाक. नं.	हे.	आर	सेन्टी
बानीपुर	197	0	14	04
	193	0	02	60
	192	0	02	58
	190	0	22	36

[सं. प्री - 12016/33/93/प्रो एनजी डी-4]

एम. माटिन, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1063.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 833 dated 8-4-93 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

**SCHEDULE**  
**PIPELINE FROM GNIB TO EPS.**

State : Gujarat		District : Bharuch		Taluka : Amod	
Village	Block No.	Hectare	Are	Centiare	
1	2	3	4	5	
Valipur	197	0	14	04	
	193	0	02	60	
	192	0	02	58	
	190	0	22	36	

[No. O-12016/33/93 ONG.D-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का. प्रा. 1064 यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के ऊर्जा मंत्रालय पेट्रोलियम विभाग की अधिसूचना का. प्रा. सं. 834 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उक्त अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से प्रायल गैज नेचुरल गैस कारपोरेशन लिमिटेड, में सभी बाधाओं से मुक्त रूप में, घोषणा के प्रकाशन की इस तारीख को निहित होगा।

**अनुसूची**

जी एन सीजी से जी एन जीसी तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात      जिला : भरुच      तालुका : आमोद

गांव	ब्लॉक नं.	हे.	आर.	सेण्टी
1	2	3	4	5
मछासरा	393	0	12	74
	कार्ट ट्रैक	0	01	17
	210	0	20	15
	211	0	04	55
	214	0	14	30
	213	0	22	23
	कार्ट ट्रैक	0	00	52

245	0	11	70
253	0	06	24
247	0	07	54
252	0	00	52
248	0	04	68
249	0	11	05

[सं. ओ - 12016/34/93/ओ एन जी सी- 4]  
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1064.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 834 dated 8-4-93 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the Schedule appended to this notification:

Now therefore, in exercise of the power conferred by sub-section (1) of the Section 6 of the said Act the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

**SCHEDULE**

**PIPELINE FROM GNBG TO GNBB.**

State : Gujarat      District : Bharuch      Taluka : Amod

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Machhasara	393	0	12	74
	Cart track	0	01	17
	210	0	20	15
	211	0	04	55
	214	0	14	30
	213	0	22	23
	Cart track	0	00	52
	245	0	11	70
	253	0	06	24
	247	0	07	54
	252	0	00	52
	248	0	04	68
	249	0	11	05

[No. O-12016/34/93 ONG.D-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

New Delhi, the 15th March, 1996

का. आ. 1065 यतः पेट्रोलियम और खनिज पाईपलाइन भूमि में उपयोग अधिकार का अर्जन अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 835 तारीख 8-1-93 द्वारा केन्द्रीय ने उस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईप लाइनों को बिछाने के लिए अर्जित करने का अपना प्राणय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एनद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाइन बिछाने के प्रयोजन के लिए एनद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख की निहित होगी।

## अनुसूची

जीएनसीए से जीआएम तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : पागरा

गांव	ब्लॉक नं.	है.	आर.	सेन्टी
1	2	3	4	5
पालडी	63	0	08	32
	56	0	06	76
	57	0	00	52
	52	0	05	20
	53/ए/बी	0	11	96
	12	0	17	68
	436	0	19	76
	कार्ट ट्रैक	0	01	08
	389	0	21	84
	388	0	09	36
	387	0	22	36
	386	0	01	17
	कार्ट ट्रैक	0	00	84
	172	0	00	48
	175	0	23	40
	176	0	36	40
	216/ए/बी	0	56	94
	217/ए/बी	0	40	30
	255	0	07	15
	256	0	18	45
	257	0	01	00
	274	0	10	01
	कार्ट ट्रैक			

S.O. 1065.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 835 dated 8-4-93 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And Further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from all encumbrances.

## SCHEDULE

## PIPELINE FROM GNCA TO GGS-II.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Paldi	63	0	08	32
	56	0	06	76
	57	0	00	52
	52	0	05	20
	53/A/B	0	11	96
	12	0	17	68
	436	0	19	76
	Cart track	0	01	08
	389	0	21	84
	388	0	09	36
	387	0	22	36
	386	0	01	17
	Cart track	0	00	84
	172	0	00	48
	175	0	23	40
	176	0	36	40
	216/A/B	0	56	94
	217/A/B	0	40	30
	255	0	07	15
	256	0	18	45
	257	0	01	00
	274	0	10	01

[सं. ओ - 12016/35/93 - ओ एन जी डी - 4]

एम. मार्टिन, डेस्क अधिकारी

[No. O-12016/35/93 ONG.D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का. भा. 1066 यतः पेट्रोलियम और खनिज पार्श्व लाईन भूमि में उपयोग अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 836 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पार्श्व लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अपनः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पार्श्वलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदित करती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय प्रायतः एंड नेचुरल गैस कॉर्पोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

एनडीसी से नाडा - 1 तक पार्श्व लाईन बिछाने के लिए।

राज्य : गुजरात जिला : भयव तालुका : जंबुसर

गांव	प्लॉक नं.	हे.	प्रार.	सेन्टी
1	2	3	4	5
नाडा	1486	0	01	95
	1252	0	07	80
	1250	0	08	71
	1251	0	06	89
	1446	0	06	11
	1445	0	00	12
	1447	0	01	06
	1448	0	02	32
	1451	0	04	02
	1452	0	02	96
	1454	0	01	69
	1459	0	04	03
	1460	0	00	72
	1450	0	10	53

[सं. ओ - 12016/36/93 - ओ एन जी डी - 1]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1066.—whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 836 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right

User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further Whereas the Central Government has, 'after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM NADC TO NADA-1.

State : Gujarat District : Bharuch Taluka : Jambusar

1	2	3	3	5
Nada	1486	0	01	95
	1252	0	07	80
	1250	0	08	71
	1251	0	06	89
	1446	0	06	11
	1445	0	00	12
	1447	0	01	06
	1448	0	02	32
	1451	0	04	02
	1452	0	02	96
	1454	0	01	69
	1459	0	04	03
	1460	0	00	72
	1450	0	10	53

[No. O-12016/36/93 ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का. भा. — 1067 यतः पेट्रोलियम और खनिज पार्श्व लाईन भूमि में उपयोग का अधिकार का अर्जन अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 837 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पार्श्व लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः मक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय कि.

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा 6 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी एन जी डब्ल्यू से ई पी एम तक पाइपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक नं.	हे.	आर.	सेन्टी
1	2	3	4	5
मुलेर	38	0	09	88
	40	0	20	80
	43/ए/बी	0	18	85
	63	0	96	20

[सं. ओ - 12016/37/93 ओ एन जी डी - 4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1067.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 837 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And Further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM GNGW TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Muller	38	0	09	88
	40	0	20	80
	43/A/B	0	18	85
	63	0	96	20

[No. O-12016/37/93 ONG.D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का.आ. 1068—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग अधिकार का अर्जित अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ. रा. 838 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करते के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा 6 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी एन जी डी से जी एन सी ए तक पाइपलाइन बिछाने के लिये।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक नं.	हे.	आर.	सेन्टी
1	2	3	4	5
पान्डी	88	0	01	30

[सं. ओ-12016/39/93-ओ.एन.जी.डी.-4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1068.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 838 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after, considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section 6, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM GNCJ TO GNCA.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Paldi	88	0	01	30

[No. O-12016/39/93 ONG.D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का.आ. 1069.—यत् पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा 1 के अधीन भारत सरकार के पेट्रोलियम और आणविक गैस मंत्रालय की अधिसूचना का.आ. स. 839 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिये अर्जित करने का अपना आग्रह घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यत् केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा 6 की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयन एण्ड नेचुरल गैस कॉर्पोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जी एन एक एन से ई पी एस तक पाईपलाइन बिछाने के लिये।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	ब्लॉक नं.	हे.	आर.	सेन्टी
चान्चवल	288	0	18	85
	282	1	89	28
	285	0	83	20

[स. अं-12016/38/93/अ. एन. जी. डी.-4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1069.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 839 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification.

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, 6 the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM GNEN TO EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	2	4	5
Chanchwel	288	0	18	85
	282	1	89	28
	285	0	83	20

[No. O-12016/39/93 ONG.D-IV]

M. MARTIN, Desk Officer



नई दिल्ली, 15 मार्च, 1996

का.आ. 1070-यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.आ.सं. 810 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उन प्रतिष्ठानों में वस्तु प्रत्युत्पी में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइन को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अतः, यतः केन्द्रीय सरकार उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और अतः उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी आवाओं में मुक्त रूप से घोषणा के प्रकाशन की हम तारीख को निर्दिष्ट होता है।

## अनुसूची

जी एन एक्स एल से जी जी एम-IV तक पाईपलाइन बिछाने के लिये।

राज : गुजरात जिला : भरुच तालुका : पावरा

गांव	सर्वे त.	हे.	आर	सेन्टी
1	2	3	4	5
नरनाशी	कार्ट ट्रैक	0	00	78
	125	0	15	34
	126	0	01	86
	124	0	26	02
	123	0	01	98
	122/ए/बी	0	21	16
	121	0	22	23
	120/ए	0	00	68
	कार्ट ट्रैक	0	01	95
	137	0	23	06
	138/बी	0	10	92
	138/ए	0	08	45
	139	0	15	60
	140	0	16	51
	कार्ट ट्रैक	0	01	95
	117	0	26	26
	114/बी	0	18	20
	113	0	11	41
	109	0	25	35
	108	0	22	62

1	2	3	4	5
103	0	28	34	
101	0	09	62	
कार्ट ट्रैक	0	02	34	
163/पी	0	31	27	
कार्ट ट्रैक	0	00	91	
164	0	09	62	
165	0	08	84	
कार्ट ट्रैक	0	00	91	
200/ए	0	19	76	
कार्ट ट्रैक	0	00	65	
201/पी	0	14	04	
202	0	09	10	
247	0	14	56	
248	0	17	94	
5	0	00	08	
3	0	02	08	
4 बी	0	12	74	
4/ए	0	13	78	
10	0	04	68	
11	0	20	15	

[सं. ओ-12016/40/93/ओ एन.जी.सी.-IV]

एम. साहित, डैश प्रविधिकारी

New Delhi, the 15th March, 1996

S.O. 1070.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 840 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And Whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And Further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from all encumbrances.

## SCHEDULE

## PIPELINE FROM GNXL TO GGS—IV.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Narnavi	Cart track	0	00	78
	125	0	15	34
	126	0	01	86
	124	0	26	02
	123	0	01	98
	122/A/B	0	21	16
	121	0	22	23
	120/A	0	00	68
	Cart track		01	95
	137	0	23	06
	138/B	0	10	92
	138/A	0	08	45
	139	0	15	60
	140	0	16	51
	Cart track	0	01	95
	117	0	26	26
	114/P	0	18	20
	113	0	11	44
	109	0	25	35
	108	0	22	62
	105	0	28	34
	104	0	09	62
	Cart track	0	02	34
	163/P	0	31	27
	Cart track	0	00	91
	164	0	09	62
	165	0	08	84
	Cart track	0	00	91
	200/A	0	19	76
	Cart track	0	00	65
	201/P	0	14	04
	202	0	09	10
	247	0	14	56
	248	0	17	94
	5	0	00	08
	3	0	02	08
	4/B	0	12	74
	4/A	0	13	78
	10	0	04	68
	11	0	20	15

[No. O-12016/40/93 ONG.D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का.भा. 1071-यसः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा.सं. 841 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निवेदन देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी एन जी आर से उल्लेख आई एच ई पी एल तक पाईप लाईन बिछाने के लिये

राज्य : गुजरात जिला : भरुच तालुका : वाग्रा

गांव	ब्लाक नं.	हे.	आर	सेन्टी
संधार	472	0	13	26
	473/ग/बी	0	13	52
		0	00	52
	400	0	15	86
	399	0	13	78
	398	0	18	20
	401	0	07	80
	394	0	00	52
	360	0	15	60
	359	0	13	26
	358	0	17	94
	362	0	12	48
	367	0	07	54
	366	0	(0)	82
	368	0	18	72
	370	0	06	76
	369	0	08	06
	371	0	04	16
	377	0	21	06
	376	0	11	96
	383	0	01	12
	384	0	19	63
	326/ए/बी	0	28	47
	325	0	10	14
	324	0	11	05
	322/ए/बी	2	37	12

[सं. ओ-12016/41/93/ओ.एन.जी.बी.-IV]  
एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1071.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 841 dated 8-4-93 under Sub Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Govern-

ment declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the central Government directs that the right of user in the said lands shall instead of vesting in central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

#### SCHEDULE

##### PIPELINE FROM GNGR TO WIH EPS

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Gandhar	472	0	13	26
	473/A/B	0	13	52
	Cart track	0	00	52
	400	0	15	86
	399	0	13	78
	398	0	18	20
	401	0	07	80
	394	0	00	52
	360	0	15	60
	359	0	13	26
	358	0	17	94
	362	0	12	48
	367	0	07	54
	366	0	00	82
	368	0	18	72
	370	0	06	76
	369	0	08	06
	371	0	04	16
	377	0	21	06
	376	0	11	96
	383	0	01	12
	384	0	19	63
	326/A/B	0	28	47
	325	0	10	14
	324	0	11	05
	322/A/B	2	37	12

[No. O-12016/41/93 ONG.D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का.भा. 1072-यतः पेट्रोलियम और खनिज पाईपलाइन भूमि में उपयोग अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का.भा.सं. 842 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिये अर्जित करने का भ्रमता आशय घोषित कर दिया था।

और अतः सधन प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अतः अब, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिये एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों के प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जी एन एच बाय से जी एन सी जैड तक पाईपलाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : वाग्रा

गांव	ब्लाक नं.	हे	घर	सेन्टी
जणीयाबरा	223	0	09	62
	224	0	09	36
	228/पी	0	19	50
	काटे ट्रैक	0	00	65
	229	0	07	80
	230	0	08	45
	236/पी	0	01	56

[सं. ओ-12016/42/93/ओ.एन.जी.जी-4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1072:—whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.No. 842 dated 8-4-93 under Sub Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification:

Now therefore, in exercise of the powers conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline:

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

#### SCHEDULE

##### PIPELINE FROM GNHY TO GNCZ.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Janiyadara	223	0	09	62
	224	0	09	36
	228/P	0	19	50
	Cart track	0	00	65
	229	0	07	80
	230	0	08	45
	236/P	0	01	56

[No. O-12016/42/93-ONG. D-IV]

M. Martin, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का. भा. 1073:—यस: पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 843 तारीख 8-4-93 द्वारा केन्द्रीय ने उस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यह: केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूचि में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूचि में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे यह धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्वेश होती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आशय एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जीएनएक्सबी से परवाजण जीओएस - 4 तक पाईप लाईन बिछाने के लिए।

राज्य - गुजरात जिला : भरुच तालुका : वागरा

गांव	सर्वे नं.	हे.	आर.	सेन्टी
1	2	3	4	5
गोलादरा	281	0	06	24
	288	0	07	80
	285	0	05	72
	286	0	29	64
	259	0	25	48
	258	0	03	12
	कार्ट ट्रैक	0	00	78
	237	0	15	60
	240	0	02	08
	कार्ट ट्रैक	0	00	52
	241	0	15	60
	कार्ट ट्रैक	0	02	08
	121	0	12	48
	122	0	06	24
	123/ए/बी	0	07	28
	119/ए/बी	0	09	75
	118	0	24	44
	कार्ट ट्रैक	0	00	39
	108	0	07	28
	109	0	15	60
	111	0	26	00
	कार्ट ट्रैक	0	01	56
	89	0	20	80
	85	0	14	04
	83	0	07	28

[सं. ओ - 12016/43/93/ओ एन जी डी - 4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1073:—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 843 dated 8-4-93 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands

specified in the schedule appended to this notification hereby acquired for laying the pipeline;

And further in exercise of power conferred by sub-section (4) of the section, the central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

#### SCHEDULE

##### PIPELINE FROM GNXB TO PAKHAJAN GGS-IV

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Geladra	284	0	06	24
	288	0	07	80
	285	0	05	72
	286	0	29	64
	259	0	25	48
	258	0	03	12
	Cart track	0	00	78
	237	0	15	60
	240	0	02	08
	Cart track	0	00	52
	241	0	15	60
	Cart track	0	02	08
	121	0	12	48
	122	0	06	24
	123/A/B	0	07	28
	119/A/B	0	09	75
	118	0	24	44
	Cart track	0	00	39
	108	0	07	28
	109	0	15	60
	111	0	26	00
	Cart track	0	01	56
	89	0	20	80
	85	0	14	04
	83	0	07	28

[No. O-12016/43/93 ONG.D-IV]

M. Martin, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का. भा. 1074.—यतः पेट्रोलियम और खनिज पाईपलाइन (भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 844 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजाय आयल एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में धोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची II

जीएनजीटी से डब्ल्यूआईएच - II तक पाईपलाइन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव	सर्वे नं.	हे.	आर.	सेन्टी
1	2	3	4	5
मुलेर	527	0	01	40
	528	0	12	48
	31/ए/बी	0	07	80
	32	0	06	24
	33	0	16	64
	34	0	08	32
	44	0	20	80
	45	0	04	16
	55	0	14	56
	54	0	08	32
	52	0	06	76
	60	0	12	98
	63	1	37	28

[सं. ओ - 12016/44/93/ओ एन जी डी -IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1074:—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 844 dated 8-4-93 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipelines.

And whereas the competent authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of Section 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, the Central Government direct that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

### SCHEDULE

#### PIPELINE FROM GNGT TO W.I.H. II.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hect- are	Acre	Centi- are
1	2	3	4	5
Muller	527	0	01	40
	528	0	12	48
	31/A/B	0	07	80
	32	0	06	24
	33	0	16	64
	34	0	08	32
	44	0	20	80
	45	0	04	16
	55	0	14	56
	54	0	08	32
	52	0	06	76
	60	0	12	98
	63	1	37	28

[No. O-12016/44/93/ONGD-IV]

M. Martin, Desk Officer

नई दिल्ली, 13 मार्च, 1996

का. प्रा. 1075.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 845 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का प्रस्ताव प्रकाशित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और अतः, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और अतः उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय प्रायल एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

### अनुसूची

जीएनजीडब्ल्यू से इपीएस तक पाइप लाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : वाग्रा

गांव	प्लॉक नं.	हे.	घार.	सेन्टी
गंधार	455	0	03	12
	454	0	12	74
	452	0	22	10
	441	0	00	85
	443	0	11	44
	444	0	03	64
	445	0	04	16
	446	0	04	68
	448	0	04	98
	447	0	01	14
	434	0	03	90
	435	0	00	18
	433	0	11	44
	432	0	04	92
	431	0	01	30
	426	0	00	28
	427	0	11	05
	423	0	10	66
	422	0	04	42
	417	0	04	68
	419	0	30	02
	418	0	00	18
	353	0	12	48
	338	0	02	60
	कार्टे ट्रैक	0	00	52
	336	0	22	10
	कार्टे ट्रैक	0	00	52
	335	0	21	84
	334	0	05	46
	322	2	15	15

[सं. ओ - 12016/45/93/ओ एन जी डी -IV]

एम. मार्टिन, डेस्क अधिकारी

S.O. 1075—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 845 dated 8-4-93 under sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

#### SCHEDULE

##### PIPELINE FROM GNGW TO EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Gandhar	455	0	03	12
	454	0	12	74
	452	0	22	10
	441	0	00	85
	443	0	11	44
	444	0	03	64
	445	0	04	16
	446	0	04	68
	448	0	04	98
	447	0	01	14
	434	0	03	90
	435	0	00	18
	433	0	11	44
	432	0	04	92
	431	0	01	30
	426	0	00	28
	427	0	11	05
	423	0	10	66
	422	0	04	42
	417	0	04	68
	419	0	30	02
	418	0	00	18
	353	0	12	48
	339	0	02	60
	Cart track	0	00	52
	336	0	22	10
	Cart track	0	00	52
	335	0	21	84
	334	0	05	46
	322	2	15	15

[No. O-12016/45/93/ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का० भा. 107E-यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. भा. सं. 846 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईप लाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईप लाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय अपन एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जीएनबीजी से जीएनबीबी तक पाईप लाईन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : आनंद

गांव	क्याक नं.	हे.	मार्.	सेम्ट.
1	2	3	4	5
मांगरोल	344	0	07	16
	345	0	10	84
	347	0	12	48
	348	0	09	36
	349	0	05	85
	350	0	09	36
	352	0	12	09
	353	0	12	22
	कार्ट ट्रैक	0	00	91
	335	0	00	96
	395	0	00	58
	396	0	31	20
	410	0	38	48
	कार्ट ट्रैक	0	00	78
	451	0	19	76
	450	0	00	62
	452	0	03	45
	489	0	14	30
	488	0	23	92
	474	0	15	60
	473	0	11	18
	592	0	08	32
	593	0	02	60
	598	0	07	54
	599	0	08	19
	600	0	01	98
	601	0	04	03
	602	0	06	96
	603	0	01	44
	604	0	05	20

## SCHEDULE

## PIPELINE FROM GNBG TO GNBB

State : Gujarat District : Bharuch Taluka : Amod

608	0	03	25
609	0	01	94
610	0	00	76
607	0	01	95
751	0	07	28
750	0	02	86
747	0	05	20
746	0	05	85
672	0	05	24
673	0	06	73
675	0	09	62
716	0	04	16
715	0	09	10
683	0	06	76
714	0	03	38
684	0	09	88
707	0	05	20
706	0	12	09
705	0	07	80
699	0	05	72
698	0	05	98
697	0	06	76
696	0	16	38
694	0	00	55
695	0	02	08

Village	Block No.	Hectare	Acre	Centiare
1	2	3	4	5
Mangrol	344	0	07	16
	345	0	10	84
	347	0	12	48
	348	0	09	36
	349	0	05	85
	350	0	09	36
	352	0	12	09
	353	0	12	22
	Cart track	0	00	91
	335	0	00	96
	325	0	00	58
	396	0	31	20
	410	0	38	48
	Cart track	0	00	78
	451	0	19	76
	450	0	00	62
	452	0	03	45
	489	0	14	30
	488	0	23	92
	474	0	15	60
	473	0	11	18
	592	0	08	32
	593	0	02	60
	598	0	07	54
	599	0	08	19
	600	0	01	98
	601	0	04	03
	602	0	06	96
	603	0	01	44
	604	0	05	20
	608	0	03	25
	609	0	04	94
	610	0	00	76
	607	0	01	95
	751	0	07	28
	750	0	02	86
	747	0	05	20
	746	0	05	85
	672	0	05	24
	673	0	06	73
	675	0	09	62
	716	0	04	16
	715	0	09	10
	683	0	06	76
	714	0	03	38
	684	0	09	88
	707	0	05	20
	706	0	12	09
	705	0	07	80
	699	0	05	72
	698	0	05	98
	697	0	06	76
	696	0	16	38
	694	0	00	55
	595	0	02	08

[सं ओ - 12016/46/93/ओ एन जी सी-4]

एम. माट्रिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1076:—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 846 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And, whereas the competent authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further, whereas, the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

[No. O-12016/46/93/ONG. D-IV]  
M. MATRIN, Desk Officer



नई दिल्ली, 15 मार्च, 1996

का आ. 1077 यतः पेट्रोलियम और खनिज पाईप लाईन (भूमि में उपयोग अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ. सं. 847 तारीख 8-4-93 द्वारा केन्द्रीय ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है।

और आगे अतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उपधारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय प्रायल एंड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जीएनजीटी से डब्ल्यूआईएच- II तक पाईप लाईन बिछाने के लिए।

राज्य : गुजरात जिला : भावण तालुका : वाग्रा

गांव	सर्वे नं.	हे.	आर.	सेन्टी
1	2	3	4	5
गंधार	322	2	12	03

[सं. ओ - 12016/47/93 - ओ एन जी डी - 4]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O.1077 :—whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 847 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government;

736 GI/96—5

And further whereas the Central Government has, after, considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the sections, 6 of the said Act, the Central Government directs that the right of user in the said lands shall instead of vesting in central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM GNGT TO W.I.H. II.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Are	Centiare
1	2	3	4	5
Gandhar	322	2	12	03

[No. O-12016/47/93—ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 15 मई, 1996

का. आ. 1078—यतः पेट्रोलियम और खनिज पाईपलाईन भूमि में उपयोग के अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. आ. सं. 848 तारीख 8-4-93 द्वारा केन्द्रीय ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाईनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाईन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय प्रायल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी जी ए जी से जी जे एपी तक पार्श्व लाईन बिछाने के लिए।

राज्य : गुजरात जिला : भरुच तालुका : वागरा

गांव सर्वे. नं. शे. भार से.

1	2	3	4	5
जोलवा	72	0	02	08
	71	0	15	60
	70	0	29	12
	69	0	10	40
	67/ए	0	10	58
	कार्टट्रेक	0	06	24
	91/ए/बी	0	00	40
	93	0	31	20
	95	0	00	20
	94	0	04	68
	105	0	07	80
	106 /ए /बी	0	15	60
	111	0	20	80
	112 /ए /बी	0	40	56
	174	0	10	40
	173 /ए	0	10	48
	171	0	10	36
	169	0	14	56
	168 /ए/बी	0	28	60
	165	0	07	28
	162	0	20	80
	कोर्टट्रेक	0	04	16
	208/ए	0	17	68
	208 /बी	0	09	75
	207	0	03	12
	209	0	35	36
	205	0	03	12
	217	0	03	18
	216	0	35	88
	220	0	03	12
	221	0	00	15
	222	0	02	08
	223	0	10	14

[स. O-12016/48/93 ओ एन जी डी IV]]

एस. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1078:—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 848 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the central Government directs that the right of user in the said lands shall instead of vesting in central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM GGAB TO DJAP

State : Gujarat District : Bharuch Taluka : Vagra

Village	Survey No.	Hectare	Acre	Centiare
1	2	3	4	5
	72	0	02	08
	71	0	15	60
	70	0	29	12
	69	0	10	40
	67/A	0	10	58
	Cart track	0	06	24
	91/A/B	0	00	40
	93	0	31	20
	95	0	00	20
	94	0	04	68
	105	0	07	80
	106/A/B	0	15	60
	111	0	20	80
	112/A/B	0	40	56
	174	0	10	40
	173/A	0	10	48
	171	0	10	36
	169	0	14	56
	168/A/B	0	28	60
	165	0	07	28
	162	0	20	80
	Cart track	0	04	16
	208/A	0	17	68
	208/B	0	09	75
	207	0	03	12
	209	0	35	36
	205	0	03	12
	217	0	03	18
	216	0	35	88
	220	0	03	12
	221	0	00	15
	222	0	02	08
	223	0	10	14

[No. O-12016/48/93 ONG: D-IV]

M. MARTIN, DESK OFFICER

नई दिल्ली, 15 मार्च 1996

का. प्रा. 1079—यतः पेट्रोलियम और खनिज पाईपलाइन भूमि में उपयोग अधिकार अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 849 तारीख 8-4-93 द्वारा केन्द्रीय ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाईपलाइन को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 के उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय, आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की तारीख को निहित होगा।

## अनुसूची

जी एन एच वाय से जी एन सी जेड तक पाईप लाईन बिछाने के लिए।  
राज्य गुजरात जिला भरुच तालुका वागरा

गांव	ब्लॉक नं.	हे.	आर	में.
कडोदरा	946	0	12	74
	945	0	06	50
	944	0	15	86
	889	0	01	95
	890	0	07	80
	905	0	40	30
	906	0	02	34

[मं. O-12016/49/93/जी. एन. जी. डी. (IV)]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1079:—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 849 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government:

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Cent all Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM GNHY TO GNCZ.

State: Gujarat District: Bharuch Taluka: Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Kadodara	946	0	12	74
	945	0	06	50
	944	0	15	86
	889	0	01	95
	890	0	07	80
	905	0	40	30
	906	0	02	34

[No. O-12016/49/93/ONG. D-IV]

M. MARTIN, DESK OFFICER

नई दिल्ली, 15 मार्च, 1996

का. प्रा. 1080—यतः पेट्रोलियम और खनिज पाईपलाइन भूमि में उपयोग अधिकार अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 850 तारीख 8-4-93 द्वारा केन्द्रीय ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइन को बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट के दी है। और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

नई दिल्ली, 15 मार्च, 1996

जी एन एन एल से जी सी एन तक पाइप लाईन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा			
गांव	ब्लॉक नं.	हे.	घार	सें.	
पक्खाजण	545	0	14	95	
	540	0	35	75	
	538	0	16	25	
	535	0	27	36	
	534	0	45	76	

[सं. O-12016/50/93/ओ एन जी सी (IV)]

एम. मार्टिन, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1930.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 850 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its Intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said land specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section 6, the Central Government directs that the right of user in said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

## PIPELINE FROM GNXL TO GGS. IV

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Pakhajan	545	0	14	95
	540	0	35	75
	538	0	16	25
	535	0	27	30
	534	0	45	76

[No. O-12016/50/93/ONG. D-IV]

M. MARTIN, Desk Officer

का. प्रा. 1981.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा 1 के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 851 तारीख 8-4-93 द्वारा केन्द्रीय ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रवृत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा 6 की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में अधोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी एन एन एल से डब्ल्यू आई एच डी. पी. एस के पास तक पाइप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा			
गांव	ब्लॉक नं.	हे.	घार	सें.	
वाचवेल	284	0	85	28	

[सं. O 12016/51/93/ओ एन जी सी-IV]

एम. मार्टिन, डैस्क अधिकारी

New Delhi, the 15th March

S.O. 1081.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 851 dated 8-4-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its Intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after, considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline

And further in exercise of power conferred by sub-section (4) of the section 6, the central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

#### SCHEDULE

##### PIPELINE FROM GAFX TO W.I.H. NEAR EPS.

STATE: GUJARAT DISTRICT: BHARUCH  
TALUKA: VAGRA

Village	Block No.	Hec- tare	Are	Centi- tiare
CHANCHWEL	284	0	85	28

[No. O-12016/51/93/ONG D-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 15 मार्च, 1996

का. आ. 1082.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का प्रजनन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा 1 के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ सं. 852 तारीख 8-4-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा 6 की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी आधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जी एन एच डब्ल्यू से जी एन एच यू तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात जिला : भरुच तालुका : आमोद

गांव	ब्लॉक नं.	हे.	आर	से.
मंगरोल	655	0	02	60

[सं. O 12016/52/93 बी. एन. जी. डी.-IV]  
एम. मार्टिन, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1082—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O.No. 852 dated 8-4-93 under Sub Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its Intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the section 6 of the said Act, submitted report to the Government:

And further whereas the Central Government has, after considering the said report decided to acquire : of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section 6, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

#### SCHEDULE

PIPELINE FROM GNHW TO GNHU.  
STATE: GUJARAT DISTRICT: BHARUCH  
TALUKA : AMOD

Village	Block No.	Hectare	Are	Centiare
MANGROL	655	0	02	60

[No. O-12016/52/93/ONGD IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 21 मार्च, 1996

का. आ. 1083.—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का प्रजनन) अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा 1 के अधीन भारत सरकार पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ सं. 392 तारीख 4-2-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन बिछाने के लिये अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जी एन सी जी से जी एन सी जी तक पाइप लाईन बिछाने के लिए।

राज्य : गुजरात	जिला : भरूच	तालुका : धामोद			
गांव	कटाक नं.	हे.	अ.	मं.	
बलीपुर	218	0	01	44	
	219	0	10	14	
	220	0	18	20	
	241	0	05	20	
	242	0	03	64	
	243	0	01	82	
	271	0	12	48	
	260	0	01	32	
	261	0	04	40	

[सं. ओ-12016/19/93 ओ. एन जी डी IV

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 21st March, 1996

S.O.1083.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S. O. No. 392 dated 4-2-93 under Sub Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declares its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, 6 the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

#### SCHEDULE

#### PIPELINE FROM GNBG TO GNBB.

STATE : GUJARAT DISTRICT: BHARUCH TALUKA: AMOD

Village	Block No.	Hectare	Are	Centiare
VALIPUR	218	0	01	44
	219	0	10	14
	220	0	18	20
	241	0	05	20
	242	0	03	64
	243	0	01	82
	271	0	12	48
	260	0	01	32
	261	0	04	40

[No. O-12016/19/93 ONG.D-IV]  
M. MARTIN, Desk Officer

नई दिल्ली, 21 मार्च, 1996

का. प्रा. 1084—यतः पेट्रोलियम और खनिज पाइपलाइन भूमि में उपयोग के अधिकार का अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधिन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 393 तारीख 4-2-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइन को बिछाने के लिए अर्जित करने का अर्थना आशय घोषित कर दिया था।

और यतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे, यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों को उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, यतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उस धारा 6 की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

#### अनुसूची

जी एन ए ए से ई पी एस तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरूच	तालुका : धामोद			
गांव	कटाक नं.	हे.	अ.	मं.	
गोतधर	322	0	48	88	

[सं. ओ-12016/20/93 ओ. एन जी डी-IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 21st March, 1996

S.O.1084.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 393 dated 4-2-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now Therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section 4 of section 6 of the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances

## SCHEDULE

PIPELINE FROM GNHA TO EPS.

STATE: GUJARAT DISTRICT: BHARUCH

TALUKA: VAGRA

Village	Block No.	Hectare	Are	Centiare
GANDHAR	322	0	48	88

[No. O-12016/20/93 ONG.D-IV]

M.MARTIN, Desk Officer

नई दिल्ली, 21 मार्च, 1996

का. आ. 1085—यतः पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधिन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का आ सं. 394 तारीख 4-2-93 द्वारा केन्द्रीय सरकार ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार का पाइपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधिन सरकार को रिपोर्ट दे दी है। और अतः यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अथ, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाइपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित करने का विनिश्चय किया है।

और अतः उस धारा 6 की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की बजाय आयल एण्ड नेचुरल गैस कॉर्पोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

अनुसूची

जो एन एफ एन से ई पी एस तक पाइपलाइन बिछाने के लिए

राज्य : गुजरात	जिला : भरुच	तालुका : वागरा			
गांव	ब्लॉक नं.	हे.	आर	सें.	
गान्धार	322	1	02	96	

[सं. ओ 12016 / 21 / 93 ओ एन जी डी IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 21st March, 1996

S.O. 1085.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O.No. 394 dated 4-2-93 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declares its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government ;

And further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, 6 the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

Pipeline from GNFN to EPS.

State : Gujarat District : Bharuch Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
Gandhar	322	1	02	96

[No. O-12016/21/93-ONG. D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 21 मार्च, 1996

का. प्रा. 1086.—यतः पेट्रोलियम और खनिज पाईपलाइन भूमि में उपयोग अधिकार अधिनियम 1962 (1962 का 50) की धारा 3 की उपधारा के अधिन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का. प्रा. सं. 395 तारीख 4-2-93 द्वारा केन्द्रीय ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सधम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है। और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों का उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पाईपलाइन बिछाने के प्रयोजन के लिए एतद्वारा अर्जित किया जाता है।

और आगे उक्त धारा की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की वजह से प्रत्येक एण्ड नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में घोषणा के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

जी एच एक्स बी से परवाहन जी जी एस--IV तक पाईप लाइन बिछाने के लिए।

राज्य : गुजरात	जिला : भरुच	तालुका : वाग्रा			
गांव	ब्लॉक	हे.	आर.	सें.	
नरणाबी	33	0	11	44	
	32	0	02	08	
	35/एबी	0	07	28	
	36/बी	0	05	72	
	36/ए	0	07	80	
	कार्टट्रेक	0	04	68	
	27	0	28	60	
	28	0	13	52	
	21	0	14	04	
	20	0	20	80	
	12	0	15	08	
	11	0	09	36	

[सं. जी-12016/23/93 ओ एन जी डी IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 21st March, 1996

S.O. ....1086.—Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 395 dated 4-2-93 under Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition or Right of User in Land) Act, 1962 (50 of 1962), the Central

Government declared its intention to acquire the right of use in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And Whereas the competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

Add Further whereas the Central Government has, after, considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now Therefore, in exercise of the power conferred by sub-section (1) of the sections 6 of the said Act, the central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right of user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

Pipeline from GNXB to Pakhajan GGS-IV.

State : Gujarat	District : Bharuch	Taluka : Vagra			
Village	Block No.	Hectare	Are	Centiare	
Narnavi	33	0	11	44	
	32	0	02	08	
	35/A/B	0	07	28	
	36/B	0	05	72	
	36/A	0	07	80	
	Cart track	0	04	68	
	27	0	28	60	
	28	0	13	52	
	21	0	14	04	
	20	0	20	80	
	12	0	15	08	
	11	0	09	36	

[No. O-12016/23/93-ONG-D-IV]

M. MARTIN, Desk Officer

नई दिल्ली, 21 मार्च, 1996

का. प्रा. 1087.—यतः पेट्रोलियम और खनिज पाईपलाइन भूमि में उपयोग अधिकार का अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) के अधीन भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना का प्रा. सं. 396 तारीख 4-2-93 द्वारा केन्द्र ने उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों में उपयोग के अधिकार को पाईपलाइनों को बिछाने के लिए अर्जित करने का अपना आशय घोषित कर दिया था।

और अतः सधम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन सरकार को रिपोर्ट दे दी है और आगे यतः केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमियों के उपयोग का अधिकार अर्जित करने का विनिश्चय किया है।

अब, अतः उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्ति का प्रयोग करते हुए केन्द्रीय सरकार एतद्वारा घोषित करती



है कि इस अधिसूचना में संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमियों में उपयोग का अधिकार पारिपक्वता निष्ठाने के प्रयोजन के लिए अर्जित किया जाता है।

और आगे इस धारा की उप धारा 4 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार निर्देश देती है कि उक्त भूमियों में उपयोग का अधिकार केन्द्रीय सरकार में निहित होने की संज्ञा प्राप्त एक नेचुरल गैस कारपोरेशन लिमिटेड में सभी बाधाओं से मुक्त रूप में खोजना के प्रकाशन की इस तारीख को निहित होगा।

## अनुसूची

टी. बिन्दु से सी पी एक गांधार तक पारिपक्वता निष्ठाने के लिए।

राज्य : गुजरात      जिला : धरुच      तालुका : वाग्रा

गांव      ब्लॉक नं.      हे.      आर      में.

1	2	3	4	5
चौबर्बेल	281	0	83	20
	274	0	22	40
	275	0	20	80
	280	0	07	68
	276	0	11	52
	278	0	19	20
	279	0	21	60
कार्टरूक		0	09	60
	424	0	28	00
	425	0	09	60
	426	0	17	60
	427	0	33	60
	429	0	11	20
	416	0	10	40
	415	0	18	40
	414	0	17	60
	457	0	19	20
	413	0	08	80
	412	0	09	60
	410	0	11	20
	411	0	11	26
कार्टरूक		0	00	80
	459	0	25	60
	472	0	07	20
461/ए. बी		0	12	80
	462	0	00	96
	453	0	15	04
	512	0	12	80
	511	0	23	04
	515	0	27	20
	516	0	13	60
	517	0	09	60
	641	0	26	40
	640	0	19	20
	631	0	11	20
	632	0	01	20
	633	0	01	20
	635	0	09	70

1	2	3	4	5
	634	0	25	50
	कार्टरूक	0	02	40
	688	0	15	60
	687	0	19	20
	682	0	32	00
	678/ए. बी	0	32	00
	680	0	29	60
	679	0	14	20
	752	0	41	60
	749	0	06	40
	744	0	52	80
	743	0	20	80
	742	0	01	60
	932	0	64	00

[मं. जी 12016/24/93-प्रो. एन. पी. बी. -IV]

एम. मार्टिन, डेस्क अधिकारी

New Delhi, the 21st March, 1996

S.O. 1087.— Whereas by notification of the Government of India in the Ministry of Petroleum & Natural Gas S.O. No. 396 dated 4-2-93 under Sub-Section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government declared its intention to acquire the right of user in lands specified in the schedule appended to that notification for the purpose of laying pipeline.

And Whereas the Competent Authority has under sub-section (1) of the Section 6 of the said Act, submitted report to the Government;

And Further whereas the Central Government has, after considering the said report decided to acquire the right of user in the lands in the schedule appended to this notification;

Now Therefore, in exercise of the power conferred by sub-section (1) of the section 6 of the said Act, the Central Government hereby declares that the right of user in the said lands specified in the schedule appended to this notification hereby acquired for laying the pipeline.

And further in exercise of power conferred by sub-section (4) of the section, the Central Government directs that the right user in the said lands shall instead of vesting in Central Government vests on this date of the publication of this declaration in the Oil & Natural Gas Corporation Ltd. free from encumbrances.

## SCHEDULE

Pipeline from T. Point to CPF Gandhar

State : Gujarat      District : Bharuch      Taluka : Vagra

Village	Block No.	Hectare	Are	Centiare
1	2	3	4	5
Chanchwel	281	0	83	20
	274	0	22	40
	275	0	20	80
	280	0	07	68
	276	0	11	52

1	2	3	4	5
	278	0	19	20
	279	0	21	60
	Cart track	0	09	60
	424	0	28	00
	425	0	09	60
	426	0	17	60
	427	0	33	60
	429	0	11	20
	416	0	10	40
	415	0	18	40
	414	0	17	60
	457	0	19	20
	413	0	08	80
	412	0	09	60
	410	0	11	20
	411	0	11	26
	Cart track	0	00	80
	459	0	25	60
	472	0	07	20
	461/A,B	0	12	80
	462	0	00	96
	453	0	15	04
	512	0	12	80
	511	0	23	04
	515	0	27	20
	516	0	13	60
	517	0	09	60
	641	0	26	40
	640	0	19	20
	631	0	11	20
	632	0	10	20
	633	0	01	20
	635	0	09	70
	634	0	25	50
	Cart track	0	02	40
	688	0	15	60
	687	0	19	20
	682	0	32	00
	676/A, B	0	32	00
	680	0	29	60
	679	0	14	20
	752	0	41	60
	749	0	06	40
	744	0	52	80
	743	0	20	80
	742	0	01	60
	932	0	64	00

[No. O-12016/24/93 ONG. D-IV]

M. MARTIN, Desk Officer

संशोधन

नई दिल्ली, 26 मार्च, 1996

का.प्र. 1088:- भारत के राजपत्र दिनांक 21.4.95 के भाग II खण्ड 3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.प्र. संख्या 370 (प्र) 19.4.95 से पेट्रोलियम और निज पार्स लाईन (भूमि में उपयोग के अधिकार का धर्जन) अधिनियम 1962 (1962 का 50) की धारा 8 की उपधारा (1) के अंतर्गत

प्रकाशित अधिसूचना कि जो ग्राम हरियापुरा, महम्मद जौरा, जिला मुरेना के संबंध में की को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार निम्न संशोधन के अनुसार पढ़ा जाये

क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
01	58	00.9396	58	00.4698
02	57	00.9504	57	00.4752
03	55	00.3348	55	00.1674
04	54	00.0270	54	00.0135
12	43	00.4397	43/1	00.2720
			43/2	00.1677
13	32	00.2220	32/2	00.1570
			32/3	00.0650
14	33	00.0297	33/1	00.0210
			33/2	00.0087

[संख्या एल 14016/8/95 जी.पी.]

अर्धेन्दु सेन, निदेशक

## CORRIGENDUM

New Delhi, the 26th March, 1996

S.O.....1088.— In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 370(E) dated 19-4-1995 published on 21-4-1995 under section (1) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Har Tehsil Jaura, District Morena be read as follows:—

As per Gazette		Be read as Corrected Below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
01.	58	00.9396	58	00.4698
02.	57	00.9504	57	00.4752
03.	55	00.3348	55	00.1674
04.	54	00.0270	54	00.0135
12.	43	00.4397	43/1	00.2720
			43/2	00.1677
13.	32	00.2220	32/2	00.1570
			32/3	00.0650
14.	33	00.0297	33/1	00.0210
			33/2	00.0087

[No. L-14016/8/95—G.P.]  
ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 26 मार्च, 1996

का.प्र. 1089:- भारत के राजपत्र दिनांक 28.3.95 के भाग II खण्ड 3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.प्र. संख्या 255 (प्र) 25.3.95 से पेट्रोलियम और निज पार्स लाईन (भूमि में उपयोग के अधिकार का धर्जन) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत

प्रकाशित अधिसूचना जो कि ग्राम मरा तहसील जौरा, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये।		
क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
6	234	01.0476	234	00.5238
7	233	00.2160	233	00.1080
8	162	00.5508	162	00.2754
11	172	00.0756	172/2	00.0736
12	173	00.2700	173/1	00.2700
18	182	00.0864	182/2	00.0864
24	191	00.3132	191	00.1566
25	13	00.7884	13	00.3942
26	10	01.2204	10	00.6102
27	9	00.2700	9	00.1350
28	7	00.9400	7	00.4700

[संख्या एन. 14016/8/95-जी.पी.]

अर्धेन्दु सेन, निदेशक

#### CORRIGENDUM

New Delhi, the 26th March, 1996

S.O. 1089.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 255(E) dated 24-3-95 published on 28-3-95 under sub section (i) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Mara, Tehsil Jaura, District Morena be read as follows :—

As per Gazette		Be read as corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
6.	234	01.0476	234	00.5238
7.	233	00.2160	233	00.1080
8.	162	00.5508	162	00.2754
11.	172	00.0756	172/2	00.0756
12.	173	00.2700	173/1	00.2700
18.	182	00.0864	182/2	00.0864
24.	191	00.3132	191	00.1566
25.	13	00.7884	13	00.3942
26.	10	01.2204	10	00.6102
27.	9	00.2700	9	00.1350
28.	7	00.9400	7	00.4700

[No. L-14016/8/95 G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 26 मार्च, 1996

का.प्रा. 1090.—भारत के राजपत्र दिनांक 28.3.95 के भाग II खण्ड 3, उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.प्रा. संख्या 256 (प्र) 24.3.95 से पेट्रोलियम और खनिज पॉइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत

प्रकाशित अधिसूचना जो कि ग्राम कन्हार, तहसील जौरा, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये		
क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
1	304	00.0264	304/1	00.0264
3	302	01.0200	302/1	00.3900
	—	—	302/2	00.3600
	—	—	302/3	00.2700

[संख्या एन. 14016/8/95-जी.पी.]

अर्धेन्दु सेन, निदेशक

#### CORRIGENDUM

New Delhi, the 26th March, 1996

S.O. 1090.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 256(E) dated 24-3-95 published on 28-3-95 under sub section (i) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Kanhar, Tehsil Jaura, District Morena be read as follows:

As per Gazette		Be read as corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
1.	304	00.0264	304/1	00.0264
3.	302	01.0200	302/1	00.3900
	—	—	302/3	00.3600
	—	—	302/3	00.2700

[No. L-14016/8/95—G.P.]

ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 26 मार्च, 1996

का.प्रा. 1091.—भारत के राजपत्र दिनांक 28.3.95 के भाग II खण्ड 3 उपखण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय, भारत सरकार के का.प्रा. संख्या 256 (प्र) 24.3.95 से पेट्रोलियम और खनिज पॉइप लाईन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) की धारा 6 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना जो कि ग्राम बसखीहा, तहसील जौरा, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये		
क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
01	60	00.4650	60/2	00.4650
03	58	00.9220	58/2	00.9720
04	57	01.0636	57/4	00.2500
	—	—	57/3	00.3000
	—	—	57/2	00.2300
	—	—	57/1	00.2836

[संख्या एन. 14016/8/95 जी.पी.]

अर्धेन्दु सेन, निदेशक

## CORRIGENDUM

New Delhi, the 26th March, 1996

S.O. 1091.—In the Gazette of India Ministry of Petroleum and Natural Gas S.O. No. 256(E) dated 24-3-95 published on 28-3-1995 under sub section (i) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in Land) Act, 1962 (50 of 1962) in respect of village Kanhar, Tehsil Jaura, District Morena be read as follows :—

As per Gazette		Be read as corrected below		
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
01.	60	00.4650	60/2	00.4650
03.	58	00.9720	58/2	00.9720
04.	57	01.0636	57/4	00.2500
	—	—	57/3	00.3000
	—	—	56/2	00.2300
	—	—	56/1	03.2836

[No. L-14016/8/15 G.P.]  
ARDHENDU SEN, Director

संशोधन

नई दिल्ली, 26 मार्च, 1996

क्र.सं. 1092: भारत के राजपत्र दिनांक 28-3-95 के भाग II, खण्ड-3 उप खण्ड (ii) में पेट्रोलियम और प्राकृतिक गैस मंत्रालय भारत सरकार के का.भा. संख्या 256 (घ) 24-3-95 से पेट्रोलियम और खनिज पाइप लाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1982 (1982 का 50) की धारा 6 की उपधारा (1) के अंतर्गत प्रकाशित अधिसूचना को जो कि ग्राम घोडा तहसील जौरा, जिला मुरैना के संबंध में थी, को निम्नानुसार पढ़ा जाये।

राजपत्र के अनुसार		निम्न संशोधन के अनुसार पढ़ा जाये		
क्र.सं.	सर्वे संख्या	क्षेत्रफल हेक्टेयर में	सर्वे संख्या	क्षेत्रफल हेक्टेयर में
8	9	0.2265	9/1	00.2265
9	38	00.7180	38/2	00.2600
	—	—	38/4	00.2580
12	92	00.7770	92/1	00.7770
22	142	01.1525	142	00.5610

[संख्या एन.-14016/8/95 जी.पी.]  
अर्धेन्दु सेन, निदेशक

## CORRIGENDUM

New Delhi, the 26th March, 1995

S.O. ....1092. .... In the Gazette of India Ministry of Petroleum and Natural Gas S.O.No. 256(E) dated 24-3-1995 published on 28-3-95 under sub-section (i) of section 6 of the Petroleum & Mineral Pipeline (Acquisition of Right of Users in

Land) Act, 1962 (50 of 1962) in respect of village Dhondha Tehsil Jaura, District Morena be read as follows :—

As per Gazette			Be read as corrected below	
Sr. No.	Survey No.	Area in Hectare	Survey No.	Area in Hectare
8.	9	00.2265	9/1	00.2265
9.	38	01.7180	38/2	00.2600
	—	—	38/4	00.2580
12.	92	00.7770	92/1	00.7770
22.	142	01.1525	142	00.5610

[No. L-14016/8/95—G.P.]

ARDHENDU SEN, Director

शहरी कार्य और रोजगार मंत्रालय

(शहरी विकास विभाग)

(निर्माण प्रभाग)

नई दिल्ली, 12 फरवरी, 1996

का.भा. 1093.—लोक परिसर [अनधिकृत दखलदारों की बेवकूफी] अधिनियम, 1971 (1971 का 40) की धारा 3 में प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, दिनांक 14 मई, 1994 को भारत के राजपत्र के भाग II, खण्ड 3, उपखण्ड (ii) में दिनांक 31 मार्च, 1994 को प्रकाशित तत्कालीन शहरी विकास मंत्रालय, भारत सरकार की अधिसूचना का.का. 1124 में इस प्रकार संशोधन करती है :—

कजित अधिसूचना के नीचे दी गई सारणी,

(क) क्रम सं. 42 और इसके संबंधित सूचना के बाद निम्नलिखित क्रम संख्या और प्रविष्टियां जोड़ी जायें, नामतः—

अधिकारी का नाम लोक परिसर की श्रेणियां और क्षेत्राधिकार की स्थानीय सीमाएं

1 2

"42क. पर्यवेक्षक इंजीनियर बम्बई जिला और क्रम सं. 43 से 46 के संबंध में केन्द्रीय परियोजना-1 तहत शामिल क्षेत्रों को छोड़कर उप बम्बई जिला तथा बम्बई नगरीय जिला

(ख) क्रम संख्या 43 कालम (2) में, " , , प्रविष्टि के स्थान पर निम्नलिखित प्रविष्टि जोड़ी जायेगी ; नामतः—

"केन्द्रीय लोक निर्माण विभाग के प्रशासनिक नियंत्रण की अधिकार सीमाओं में आने वाले परिसर"।

[सं. 28012/98/90 डब्ल्यू 3]

बी.बी. रामानाथम, उप सचिव

MINISTRY OF URBAN AFFAIRS AND EMPLOYMENT

(Deptt. of Urban Development)

(WORKS DIVISION)

New Delhi, the 12th February, 1996

S.O. ....1093. .... In exercise of the powers conferred by section 3 of the public Premises (Eviction of Unauthorised Occupants) Act, 1971 (40 of 1971), the Central Government hereby makes the following amendments to the notification of the Government of India in the erstwhile Ministry of Urban Development number S.O. 1124, dated the 31st March, 1994,

published in the Gazette of India, Part II, Section 3, sub-section (ii) dated the 14th May, 1994, namely :—

In the table below the said notification,—

(a) after serial number 42 and the entries relating thereto, the following serial number and entries shall be inserted, namely :—

Designation of the Officer	Categories of the Public Premises and local limits of the jurisdiction
"42A (Superintending Engineer, Bombay Central Circle-I	Bombay District and Bombay Sub-Urban districts excluding the areas covered under serial numbers 43 to 46."

(b) against serial number 43, in Column (2), for the entry "," the following entry shall be substituted, namely :—  
"Premises under the administrative control of Central public Works Department situated within local limits of their respective jurisdiction".

[No. 28012/98/90—W3]

V. V. RAMANATHAN, Dy. Secy

सूचना और प्रसारण मंत्रालय

नई दिल्ली, 28 फरवरी, 1996

का.भा. 1094:- केन्द्रीय सरकार चलचित्रिकी (प्रमाणन) नियम, 1983 के नियम 3 के साथ पठित चलचित्रिकी अधिनियम, 1952 (1952 का 37) की धारा 3 की उपधारा (1) में प्रदत्त शक्तियों का उपयोग करते हुए तथा केन्द्रीय फिल्म प्रमाणन बोर्ड के सदस्यों की नियुक्ति संबंधी पूर्व अधिसूचना का अक्षिकरण करते हुए केन्द्रीय फिल्म प्रमाणन बोर्ड का पुनर्गठन कर दी है तथा निम्नलिखित व्यक्तियों को दिनांक 7-3-96 से अगले आदेशों तक बोर्ड के सदस्य के रूप में नियुक्त करती है :-

1. श्रीमती सरोजा देवी
2. श्रीमती हेमलथा रमेश
3. श्री जी.के. कुट्टी
4. श्रीमती सुधा बी. जोशी
5. श्रीमती पुष्पा भारती
6. श्रीमती मेघा पाटिल
7. श्री किरन शान्ताराम
8. श्री विनय कुमार साहा
9. सुधी मंत्री साहा
10. श्री दीपक बिसैक
11. श्रीमती प्रतिभा रॉय
12. श्री रमा कान्त राव
13. श्री हरमोहन बोडोलो
14. श्रीमती जयश्रुदा
15. श्रीमती शारदा अशोक वर्धन
16. श्री तुरीपात कुटुम्बा राव
17. श्री टी.वी. नारायण
18. सुधी निवासकर
19. श्रीमती मीनू राठौर
20. श्री एस.बी. राममाणन
21. श्री सुष्मा सोमू
22. सुधी सुभा राजन तम्पी
23. श्री सुखबीर सिंह पन्ना
24. प्रो. सुलोचना नायर
25. श्री पी. भास्करन

[का.सं. 809/1/91 एफ (सी)]

रघु मेनन, संयोजक सचिव

## MINISTRY OF INFORMATION AND BROADCASTING

New Delhi, the 28th February, 1996

S.O. 1094.—In exercise of the powers conferred by sub-section (i) of section 3 of the Cinematograph Act, 1952 (37 of 1952) read with rule 3 of the Cinematograph (Certification) Rules, 1983 in supersession of the earlier Notifications relating to appointment of members of the Central Board of Film Certification, the Central Government is pleased to reconstitute the Central Board of Film Certification and appoint the following persons as members of the said Board with effect from 7-3-96 until further orders :—

1. Smt. Saroja Devi
2. Smt. Hemalatha Ramesh
3. Shri G. K. Kutti
4. Smt. Sudha V. Joshi
5. Smt. Pushpa Bharti
6. Smt. Megha Patil
7. Shri Kiran Shantaram
8. Shri Vinay Kumar Sinha
9. Ms. Maitri Saha
10. Shri Dipak Bysack
11. Smt. Pratibha Roy
12. Shri Rama Kant Rath
13. Shri Hormohan Bordoloi
14. Smt. Jayasudha
15. Smt. Sharada Ashokavandhan
16. Shri Turiapaty Kutumba Rao
17. Shri T. V. Narayana
18. Ms. Sivasankari
19. Smt. Minu Rathod
20. Shri SV Ramanthan
21. Shri Subbha Somu
22. Ms. Subha Rajan Tampi
23. Shri Sukhbir Singh Panwar
24. Prof. Sulochana Nair
25. Shri P. Bhaaskaran.

[File No. 809/1/91-F(C)]

RAGHU MENON, Jt. Secy.

विद्युत मंत्रालय

नई दिल्ली, 28 दिसम्बर, 1995

का.भा. 1095:- केन्द्रीय सरकार, विद्युत (प्रदाय) अधिनियम, 1948 (1948 का 54) की धारा 29 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और भारत सरकार के विद्युत मंत्रालय की अधिसूचना सं. का.भा. 3264 तारीख 19 अक्तूबर, 1994 को अधिकांश करते हुए :

- (i) किसी उत्पादन कंपनी द्वारा उत्पादन केन्द्र के लिए तैयार की गई स्कीम जिनका सक्षम सरकार या सरकारों द्वारा प्रतियोगी बोली की प्रक्रिया के माध्यम से अयन किया गया हो, के संबंध में, चार सौ करोड़ रुपये ; और
- (ii) सभी अन्य स्कीमों के संबंध में, एक सौ करोड़ रुपये पुंजी व्यय की राशि के रूप में नियत करती है ;

इसने अधिक राशि के संबंध में स्वीकृति, प्राधिकरण के समक्ष उनकी सहमति के लिए प्रस्तुत की जाएगी ।

[का.सं.ए. 55/95/डी.प्रो. (आई.पी.सी.-I)]

प्रदीप बैजल, संयुक्त सचिव

## MINISTRY OF POWER

New Delhi, the 28th December, 1995

S.O. 1055.—In exercise of the powers conferred by sub-section (1) of section 29 of the Electricity (Supply) Act, 1948 (54 of 1948) and in supersession of the notification of the Government of India in the Ministry of Power No. S.O. 3264 dated the 19th October, 1994, the Central Government hereby fixes,—

(i) in relation to a scheme for generating station prepared by a Generating Company and selected through a process of competitive bidding by the competent Government or Governments, rupees four hundred crores; and

(ii) in relation to all other schemes, rupees one hundred crores.

as the sum of capital expenditure exceeding which the scheme shall be submitted to the Authority for its concurrence.

[File No. A-55/95-DO(IPC-I)]

PRADIP BAIJAL, Jt. Secy.

श्रम मंत्रालय

नई दिल्ली, 6 मार्च, 1996

का.आ. 1096.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड के प्रबंधन के संबंध नियो-जकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 1), मुम्बई के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार सरकार को 4-3-96 को प्राप्त हुआ था।

[सं. एल-30012/2/91-आईआर(विविध)/आईआर(कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 6th March, 1996

S.O. 1096.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal (No. 1), Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bharat Petroleum Corporation Ltd. and their workmen, which was received by the Central Government on 4-3-1996.

[No. L-30012/2/91-IR (Misc.)/IR (Coal-I)]

BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, MUMBAI

(Present)

Shri Justice R. S. Verma

Presiding Officer

Reference No. CGIT-35 of 1995

Parties : Employers in relation to the management of Bharat Petroleum Corporation Ltd., Bombay

and

Their Workmen

## APPEARANCES:

For the Management : Shri Aditya Chitle, Advocate

For the Workmen : No appearance

Industry : Petroleum

State : Maharashtra

MUMBAI, the 20th February, 1996

## AWARD

Shri Aditya Chitle for management. None for Union. The workman in this case was under employment of Bharat Petroleum Corporation Limited, Bombay and her services were terminated w.e.f. 15th June, 1990. She raised an industrial dispute but the Central Government after considering the matter declined to refer the dispute vide letter No. L-30012/2/91-IR (Misc.) dated 9-2-1991.

2. The aggrieved workman approached the High Court of Judicature for Bombay by filing writ petition No. 3514/1991. This Writ Petition was accepted by the Hon'ble High Court vide order dt. 18-10-1994 and the Central Government namely the appropriate Government was directed to refer the Industrial dispute raised by the workman for adjudication. Consequently, the Central Government has referred the dispute for adjudication to this Tribunal in the following terms:

"Whether the action of the management of Bharat Petroleum Corporation Limited, Bombay in terminating the services of Ms. Nanda. R. Shetty, Clerk Typist w.e.f. 15th June, 1990 is legal and justified? If not, to what relief the workman is entitled?"

3. This reference was made by order dt. 22-8-1995 and a copy thereof was inter alia endorsed to the General Secretary, Petroleum Employees Union, Tel-Rasayana, Tilak Road, Mumbai-400014 with the directions that the parties raising the dispute shall file a statement of claim complete with relevant documents list of documents and witnesses with the Tribunal within 15 days of the receipt of the order of reference and also forward a copy of such statement to each one of the opposite parties involved in this dispute as provided under rule 10-B of the Industrial Disputes (Central) Rules, 1957.

4. Notices were issued to all the parties concerned by this Tribunal also.

5. On 28th of December, 1995 Shri Sanjay Singhavi Advocate appeared on behalf of the Union without filing any Vakalatnama and prayed for time to file Vakalatnama as also to file written statement of claim. The case was adjourned to 2-2-1996. On 2-2-1996 management appeared through its Advocate Shri Chitle and Shri Singhavi prayed for time to file the same and the matter was adjourned for today that is for 20-2-1996.

6. Nobody appears on behalf of the union. No statement of claim has been filed by the union till date. There is no material available on the record to show that the termination of the services of workman Ms. Nanda R. Shetty was not legal and was not justified. In these circumstances I am left with no alternative but to say that the Union has failed to show that the termination of the services of Ms. Nanda R. Shetty was in any manner illegal or unjustified. The workman is not entitled to any relief in the aforesaid circumstances. An award is made accordingly. The award be submitted to the Appropriate Government immediately.

R. S. VERMA, Presiding Officer.

नई दिल्ली, 6 मार्च, 1996

का.आ. 1097.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इण्डियन ऑयल ब्लेंडिंग लिमि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), मुंबई के पंचपद को प्रकाशित करती है, जो केन्द्रीय सरकार को 4-3-96 को प्राप्त हुआ था।

[सं. एल-30011/11/91-आईआर(विविध)/आईआर(कोल-I)]  
ब्राज मोहन, डेस्क अधिकारी

New Delhi, the 6th March, 1996

S.O. 1097.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Mumbai as shown in the Annexure in the industrial dispute between the employers in relation to the management of Indian Oil Blending Ltd. and their workmen, which was received by the Central Government on 4-3-1996.

[No. L-30011/11/91-IR (Misc.)/IR (Coal-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL NO. 2, MUMBAI

PRESENT :

Shri S. B. Panse, Presiding Officer.

Reference No. CGIT-2/44 of 1991

Employers in relation to the management of Indian Oil  
Blending Limited

AND

Their Workmen.

APPEARANCES :

For the workmen—Shri A. P. Kulkarni Advocate.

For the employer—S/Shri P. K. Rele, A. M. Pota, R. N. Shah, Advocate.

Mumbai, the 14th February, 1996

#### AWARD

The Government of India, Ministry of Labour by its order No. L-30011/11/91-IR (Misc.), dated 30-9-91 had referred to the following industrial dispute for adjudication.

“Whether the action of the Management of the Indian Oil Blending Limited in not protecting the pay of senior workmen at the time of fitment of salary subsequent to wage revision arising out of settlement dated 31-8-93 is justified? If not, to what relief such workmen are entitled?”

2. The Vice President of National Association of Indian Oil Blending Limited employees filed a Statement of Claim at Exhibit-4. They contended that the workmen whose names are given at Ex. A and B are concerned with the said industrial dispute. They are thus the members. The Union and the company signed different settlement pertaining to pay scales, Dearness Allowances, Pension, uniforms, Provident Fund, Working hours etc. and last of all such a settlement was signed in March, 1989. The settlement dated 31st August, 1983 also provided for revision of wages and allowances.

3. The Union pleaded that clause No. 20 of the said settlement deals with implementation/interpretation of settlement.

It is submitted that pursuant to the said settlement there existed anomalies in the fitment of senior workmen in terms of wage revision. The union raised this dispute on several occasions with the management. But the management did not consider the case of the union.

4. The Union asserted that pursuant to the settlement dated 31st August, 1983 there existed anomalies in the pay fixation of thirty workmen. The nature of anomalies is as under :

- (i) 18 workmen though senior in the employment as per the dates of appointments are drawing their wages less than the junior workmen in Grade III, (Exhibit-A).
- (ii) 12 workmen, though senior in the employment, the difference in the wages between them and their juniors is reduced after the implementation of the settlement dated 31-8-1983. (Exhibited-B).

It is averred that that settlement contains fitment tables, respectively, at Annexure-B (1) and Annexure B (3). These fitment tables are for Grade-I and Grade-III. It is averred that though the settlement was signed on 31st August, 1983 it had the retrospective effect from 1-5-1982. It is submitted that all these thirty workmen promoted prior to May 5, 1982 from Grade-I to Grade-III and Grade-V.

5. It is averred that the representative of the union and the representative of the management after scrutiny of the official record had prepared the Exhibits-A and B. It is submitted that the action of the management in not protecting the pay of senior workmen at the time of fitment of their salary subsequent to wage revision arising out of the settlement dated 31-7-83 is not justified, legal and proper.

6. The union averred that these workmen were drawing higher wages than their juniors because they were appointed earlier than them. It is averred that thus the concerned 18 workmen are having the existing right in their favour to draw higher wages in their respective pay scales than their juniors and such a right was protected under the said settlement under clause No. 19.1. It is submitted that as the right of these workmen is infringed by the action of the company it indulged in unfair labour practice. It is submitted that the impugned wage anomaly is arising only in respect of the workmen in Grade-III and Grade-V. In other words the fitment of other workmen was made by the company in such a way that the senior workmen in other grades continued to draw higher wages than their juniors. The union submits that to remove the anomalies the workmen drawing basic pay in grade-III within existing pay scales of Rs. 375 was fitted at Rs. 581 in Grade-I, whereas an employee whose basic in the then existing pay scale in Grade-III Rs. 375 as on 1-5-82 instead of fitting them at Rs. 546. Similarly fitment should have been done for the other stages of the then existing pay scales and corresponding revised pay scales. Alternatively it is suggested that the concerned adversely affected workmen should have been given two additional increments to wipe out the difference which is arising out of their fitment was that their pay packets are protected to the extent of their seniority as against their juniors. It is submitted that necessary orders may be passed in favour of the workmen and also directing the company to pay 18% interest on the due amount from the date of settlement till the amount is paid to these workmen with other reliefs.

7. The company resisted the claim by the written statement Exhibit-5. It is averred that the reference is misconceived. In that the claim of the union suffers from laches and is barred by estoppel and even otherwise not maintainable. It is submitted that the grievance which is tried to be raised in this reference cannot form an Industrial Dispute. It is averred that after signing the said settlement the union had signed a settlement dated 29-3-89 and 26-3-93. These settlements do not refer to or provide for pay anomaly under settlement dated 31-8-93.

8. The Company pleaded that the fitment tables were worked out in consultation with the union and form part of the settlement. It is submitted that the union is projecting the pay anomaly by comparing the seniority of the workmen in two different grades. The proposition which is not heard off. It is averred that if the unions contention is taken at the face value it would mean that whenever a person in Grade-I is promoted he has to be put in the same stage in Grade-III as the person promoted earlier. It is averred that as regards

12 workmen referred to in Exhibit-B of the settlement of claim it is impossible to maintain the difference in pay of the workmen in different grades all through the tenure of the service. In any way in any event reduction in difference in wages cannot and does not constitute the anomaly. It is averred that there are clauses in the settlement itself on which basis the fitment was carried out. It is denied that the company had practiced unfair Labour Practice as alleged. It is submitted that as the union has made out no case and no case exists for granting any of the reliefs prayed for.

9. The Union filed its rejoinder at Exhibit-7. It reiterated this earlier stand in the settlement of claim. It also denied the contentions taken by the company in its written statement.

10. The issues that fall for my consideration and my findings there on are as follows :

Issues	Findings
2. Whether the reference suffer from laches ?	No
2. Whether the action of the management in not protecting the pay of senior workmen at the time of fitment of a salary subsequent to wage revision arising out of the settlement dated 31st August, 1983 is justified ?	Action is not justified in respect of the list of the employees shown in Exhibit A.
3. If not, to what relief such workmen are entitled ?	As per order.

#### REASONS

11. So far as the laches for making the reference is concerned I do not find any merit in it. Basically the Industrial Disputes Act does not provide any limitation for making the reference. It appears that even though this contention was taken in the written statement the management had decided to give up the same at final stage. Even for the sake of argument it is said that they had taken the contention. I am not ready to accept that signing of these two settlement at the later years had taken away their right to ask for the relief which they had asked in the present matter. In fact the settlement of the year 1989 provides in clause 17 implementation and interpretation of settlement. It states that after the mutual discussions fails the parties will resort to the machinery under the Industrial Disputes Act of 1947. I therefore find that the dispute which is raised cannot be said to be stale and suffers laches.

12. Rajgopal (Exhibit-10) Union Secretary deposed for the workmen. D. V. Oak (Exhibit-13) Deputy Manager deposed for the management. At initial stage the management filed an affidavit by way of Examination in Chief of one Mr. Naik, but later on they dropped his evidence.

13. It is not in dispute that the union and the company entered into a settlement dated 31-8-83. It provides for revision of wages and allowances and other things. It is also not in dispute that it had given the retrospective effect to the settlement which came into existence from 1-5-82. The settlement also provides the clauses relating to implementation and interpretation of the clauses of the settlement. In the settlement the grade fitment tables are given instead of the existing pay scales and revised pay scales. The memorandum of settlement is at Exhibit-6/2. It could be seen that after the said settlement the parties have arrived at two settlements dated 10-9-90 (Exhibit-6/3) and 26-3-93 (Exhibit-6/4).

14. Rajgopal (Exhibit-10) the Union Secretary affirmed that after the settlement it reveals that there are anomalies in revised wage fixation. These anomalies are of two types. According to him 18 workmen who are shown in Exhibit-A alongwith Statement of Claim though senior in employment as per their date of appointment are drawing their wages less than the junior workmen in Grade-III. And the second anomaly is that the 12 workmen which are shown at Exhibit-B of Statement of Claim though senior in the employment the difference in wages between them and their juniors is reduced after the implementation of the settlement dated 31-8-83.

He affirmed that these statements are prepared after perusal of the record of the company. It was done in the presence of the representative of the management.

15. O. V. Oak (Exhibit-13) the representation of the management in categorical term admits that the details which are given in Exhibit A and B along with Statement of claim are correct. As this is so it has to be accepted that the details given in these letters are correct.

16. On the basis of the list Exhibit-A Mr. Kulkarni the Learned Advocate for the union argued that there is an anomaly of wage fixation. He submitted that B. R. Jadhav the employee shown at serial No. 1 of Exhibit-A joined the service on 21st August, 1973 in Grade-I. His basic pay was Rs. 427 at pre-revised scale. In the revised grade as on 1-5-82 he has been fixed at Rs. 670 whereas his junior i.e. K. J. Ghanekar who joined the services on 1-9-73 and who continued to be in Grade-I at Rs. 412 in pre-revised basic pay. But after the revision as on 1-5-82 as per fitment he is fixed at Rs. 632. This example clearly goes to show that the junior who was not promoted gets his higher wages after the revision of the wage fixation. So is the case of the other 17 employees as shown in Exhibit-A. After perusal of Exhibit-A I find substance in the submissions made by Mr. Kulkarni the Learned Advocate for the union.

17. Mr. Shah the Learned Advocate for the management argued that the comparison of wages between the two grades cannot be made. According to him by this type of comparison cannot be said to be an anomaly of wages. He further argued that as this is so there is no substance in the argument of the union. I am not inclined to accept this argument. It could be seen that when the promotion is given to a particular person it is expected that he gets the higher wages than that of his junior who joined later. It may happen that even if one gets the promotion in the lower grade the person who is senior may draw higher salary. But that is not the case which is pleaded by the union. I therefore find substance in the argument of the union.

18. In S. M. Jilyas and Ors. V. Indian Council of Agricultural Research and Ors. 1993 (1) CLR 661. Their Lordships have observed "We have considered the arguments advanced by learned counsel for both the parties and have thoroughly perused the record. It is no doubt correct that while introducing a new scheme of pay scales and fixing new grades of posts, some of the incumbents may have to be put to less advantageous position than others, but at the same time the granting of new pay scales cannot be allowed to act arbitrarily and cannot create a situation in which the juniors may become senior or vice versa." The ratio in the said authority is aptly applicable to the present set of facts.

19. Exhibit-B is the list of 12 employees who are seniors in the employment but due to the revised fixation of wages the difference in wages between them and their juniors is reduced after the implementation of the settlement dated 31-8-83. Again after perusal of the columns in this Exhibit it is clear that the difference between the senior and the junior is reduced. But relying on the ratio which I have discussed above the union cannot raise any dispute for these employees.

20. The Learned Advocate for the management placed reliance on Devendra and Ors. and Punjab National Bank 1995, 1 LLJ 1055. That was a case wherein Their Lordships were dealing with the wage fixation of the clerk who were promoted as management trainees and later on absorbed in service by scales of junior management cadre. Their Lordships observed that although as a result of the fixation of the salary in the revised wage structure from the appointed date they lost in the terms of basic pay and for the D.A. there was no anomaly, and if they were allowed to be governed by their terms of their letter of appointment and wages fixation done in terms thereof, several anomalies would have arisen. In that as compared to the officers in the grade they would have become senior. Relying in this authority it is tried to argue that fixation of the basic pay of the 30 workmen as claimed by the Union, is an attempt to reopen the concluded settlement, would disturb both the horizontal and vertical relativities of the revised pay scales. I am not inclined to accept this case. I find that there is no merit in the unions case so far as 18 employees are concerned and so far as these 12 employees who are



listed in Exhibit-B have no case. It is because when there is any fixation of pay in some cases the difference between the two employees is likely to be reduced. That does not mean that any anomaly is created by fixation of new pay scales. It is rightly submitted that reduction in difference in wages cannot and does not constitute an anomaly.

21. It is tried to argue on behalf of the union that these employees may be given 18% interest on the amount which they are likely to get. This claim is exorbitant. They are entitled to get 12% interest per annum which is normally given by the banks for long term deposits.

21. It is to argue on behalf of the union that these employees into another settlement, naturally these employees will be entitled to have that monetary benefit till that period only. Thereafter their case has to be decided as per the settlement dated 10-9-90 and later settlement of the year 1993. I may mention it here the company have to decide the claim of these workmen and similarly placed workmen as observed above while fixing their wages as per the further settlement to avoid further litigation. In the result I record my findings on the issues accordingly and pass the following order :

#### ORDER

1. The action of the management of Indian Oil Blending Limited in not protecting the pay of senior workmen at the time of fitment of salary subsequent to wage revision arising out of the settlement dated 31-8-83 is not justified.
2. The employees list at Exhibit-'A' of the Statement of Claim whose wages are proved to be less after revision on 1-5-82 than their juniors. The Company is directed to put them in higher basic pay than their juniors. They should be put in the pay scale of stage in their grade which is higher than their juniors.
3. The Company has to pay the difference to these employees from 1-5-82 to the next settlement dated 10-9-90.
4. The Company should pay 12% interest on due amount to these employees from 1-5-82 till its payment.
5. The claim of the employees listed in Exhibit 'B' is rejected.
6. No order as to costs.

dated : 14-2-1996.

S. B. PANSE, Presiding Officer

नई दिल्ली, 7 मार्च, 1996

का.आ. 1098.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में भारत कोकिंग कोल लिमिटेड की बंसजोरा कोलियरी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[सं. एल-20012/190/86-डी-3(ए)/आईआर(कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th March, 1996

S.O. 1098.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Sendra Bansjora Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 7-3-1996.

[No. L-20012/190/86-D.III (A)/IR (Coal-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 357 of 1986

PARTIES :

Employers in relation to the management of Sendra-Bansjora Colliery of M/s. BCCCL and their workmen.

APPEARANCES :

On behalf of the workmen—None.

On behalf of the employers—None.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 29th February, 1996

#### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/190/86-D.III (A), dated, the November, 1986

#### SCHEDULE

"Whether the demand of Bihar Colliery Kamgar Union that the management of Sendra Bansjora Colliery of M/s. Bharat Coking Coal Ltd. should regularise their workman Shri Sitaram Driller in Category-IV with retrospective effect and pay him wages for the month of November and December, 1983 which were said to have been refused by the management by not issuing his pay slip for the relevant period is justified? If so, to what relief is this workman entitled?"

2. Soon after the receipt of the order of reference notices were duly served upon the parties. But none of the parties turned up nor took any steps. Thereafter several adjournments were granted, and notices were issued. But the parties involved in this reference neither appeared nor took any steps. It therefore leads me to an inference that presently there is no dispute existing between them and in the circumstances, I am constrained to pass a 'No dispute' Award in this reference.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 7 मार्च, 1996

का.आ. 1099.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार में भारत कोकिंग कोल लिमिटेड की बरारी कोलियरी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, (सं. 2), धनबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-96 को प्राप्त हुआ था।

[सं. एल-20012/274/90-आईआर (कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th March, 1996

S.O. 1099.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, (No. 2), Dhanbad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Bararee Colliery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 6-3-1996.

[No. L-20012/274/90-IR (Coal-I)]

BRAJ MOHAN, Desk Officer

# ANNEXURE

## BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

### PRESENT :

Shri D. K. Nayak, Presiding Officer.

In the matter of an industrial dispute under Section 10(1)(d) of the I. D. Act, 1947

Reference No. 26 of 1991

### PARTIES :

Employers in relation to the management of Bararee Colliery of M/s. B.C.C.L. and their workmen.

### APPEARANCES :

On behalf of the workmen—Shri G. Prasad, Advocate and Shri O. P. Verma, Advocate.

On behalf of the employers—Shri B. Joshi, Advocate.

STATE : Bihar

INDUSTRY : Coal

Dhanbad, the 23rd February, 1996

### AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/274/90-IR (Coal-I), dated, the 11th January, 1991.

### SCHEDULE

"Whether the action of the management of Bararee Colliery of M/s. B.C.C.L., P.O. Bhulanbararee Dist. Dhanbad in dismissing Shri P. K. Ghosh, Cashier is justified? If not, to what relief the workman is entitled?"

2. The workman in his W.S. with reference to the point in issue has submitted the following facts in nutshell.

3. The concerned workman Mr. P. K. Ghosh having unblemished record of service who was appointed in the Bararee Colliery on 24-7-61 was promoted from Clerk to Cashier. But unfortunately he was issued with a chargesheet dated 7-6-85 under the signature of the Agent of Bararee Colliery alleging defalcation of Rs. 11,708 during the period from 1984 to 1985 which is the annexure A and exhibited in this case. In the chargesheet the allegation is that he received Rs. 55,000 from the Area office on 18-7-84 out of which a sum of Rs. 50,000 was given for wages for payment as it appears from the record but the balance of Rs. 5,000 was not properly incorporated in the document. Further charge is that there was shortage of cash of Rs. 2,000 for which a fictitious voucher was issued. Also there is another charge of false voucher of Rs. 150 and there is irregularity of incorporation of receipt side and expenditure side of the Cash Book to the tune of Rs. 3,708 which indicates the misappropriation of the said amount. Thus the allegation against him is that he defalcated a sum of Rs. 11,708 during the period from 1984 to 1985.

4. A domestic enquiry was held where he was found guilty of such charges and on recommendation pursuant to the said finding of the chargesheet he was dismissed.

5. The concerned workman had challenged the validity of the enquiry on the ground that the copies of the document such as Cash Book relied upon by the management in support of the chargesheet, were not supplied to the concerned workman violating the principles of natural justice. Also for non-supply of the relevant documents he was debarred from getting opportunity to defend himself and he was not paid admissible allowance while he was suspended and the enquiry was perverse which is against law upon the chargesheet issued by the person not authorised in law resulting enquiry to be vitiated in toto and thereby the order of dismissal is illegal, unjustified and not tenable in law.

6. Lastly he prays for withdrawal of the order of dismissal and his reinstatement in the original job with back wages and other emoluments with other consequential reliefs entitled to.

7. The employers in their W.S.-cum-rejoinder has stated in nutshell that he concerned workman Shri P. K. Ghosh manipulated records and managed to cover up the defalcation to the tune of Rs. 11,708 from the side of the management which he did during the period from July, 1984 to March, 1985 while he was posted as Cashier of Bararee Colliery. Accordingly, he was issued with a chargesheet dated 7-6-85 for such misconduct by which he practically committed theft perpetuating fraud and dishonesty upon the company under clause 7(2) of the Certified Standing Orders.

8. The concerned workman submitted a reply trying to explain the charges levelled against him various manner but after following all paraphernalias and legal aspects the enquiry was held properly on the basis of the charge sheet issued by the competent authority and considering all aspects he was found to be guilty and pursuant to the report of the enquiry he was dismissed from his service as his act was in violation of clause 27(2) of the Standing Orders.

9. In the rejoinder it is denied that the concerned workman had unblemished record of service and also it is denied that he was not given opportunity to examine any document upon which the management relied upon in course of enquiry nor it is a fact that he did not give proper opportunity to defend him.

10. Actually he participated the enquiry fully and after considering the contentions of the management as well as the concerned workman relying upon the documents available he was found guilty of the charges and thereby it is incorrect to say that the chargesheet was issued illegally and enquiry was perverse one. Thereby there is no ground to hold that he was illegally dismissed nor there is any reason to wipe out the charges of dismissal to reinstate in his original position with back wages.

11. At the very outset it may be pointed out that there was in objection about the enquiry but by an order No. 42 dated 2-5-85 it was ordered that the matter would be considered at the time of final hearing as it requires evidence which also be taken at the time of hearing of the case on merit.

12. In the instant case I am to rely upon the oral evidence already on record with reference to the materials available in the enquiry proceeding.

13. It is needless to mention that a chargesheet was issued on 7-6-85 against the concerned workman Shri Ghosh for the alleged commission of misappropriation of Rs. 11,708 in course of his work as Cashier of Bararee Colliery. It is also not disputed that an enquiry was held on receipt of his reply as against the chargesheet.

14. At the very outset let me scrutinize the chargesheet as well as the reply of the concerned workman dated 24-6-85 and I am of the opinion that the workman in a way admitted the discrepancy of certain amount though not 11,000 and odd but tried to give some explanation.

15. The first point as it appears from the written argument of the concerned workman is that the chargesheet was not in accordance with law as it was under the signature of Agent of the Colliery who had no authority to issue such chargesheet and in support of his contention he has relied upon several Supreme Court decisions such as Vol. VII SCLJ Page 813, AIR 1958 Supreme Court page 1080 and Vol. 3 SCLJ page 495 and BLJ 1995 (i) page 698 and 1994 LIC page 762 at page 782 and tried to argue that the chargesheet and the procedures followed by the management in course of enquiry is contrary to law and the concerned workman has been prejudiced and the enquiry was proceeded by the chargesheet which is illegal one.

16. On the other side the management had submitted that the said decisions would go to show that company can impose the penalty after the charges be duly established in a departmental enquiry and it was also argued that the disciplinary authority is the company which means the board of Directorate or any the Director from the authority of the Board of Directors and in the instant case the procedures followed as it appears after careful scrutiny of the enquiry proceeding and steps taken thereafter are fully consonant to the legality and there is little scope to challenge the same.

17. It has also been pointed out that in the Standing Orders power has been given to the Agent, Chief Mining Engineer and other officers holding similar rank to act as disciplinary authority in respect of any workman under their control and as the concerned workman being a Cashier was under their control the chargesheet issued by the Agent was clearly in consonance of the law.

18. I have given my anxious consideration upon the legal position as enunciated by the workmen and the argument advanced by the learned Advocate and the management and I find substance in the argument of the management and I am to accept that the chargesheet was issued by the competent authority and there was no violation of law as urged by the concerned workman.

19. After careful scrutiny it will appear that ample opportunity was given to the concerned workman for preferring appeal before the appellate authority and he also availed of such opportunity. However, he did not proceed further to go to other higher forum like C.M.D. or Chairman of CIL and in that case nothing was kept on the way of the workman to deprive him exercising his legal right for getting remedy or redress of upper forum.

20. Another point which was vehemently urged by the workman relying upon the decisions 1994 Lab I.C. page 762 is that as per Standing Order he was not supplied with the copy of the proceeding simultaneously but it does not hold good as because he got the copy and he submitted his appeal to the appellate authority. Moreover, it is much to say that the copy to be supplied simultaneously just on the completion of the enquiry then and there kept to be supplied but it indicates that the copy was supplied to the workman because if the decision goes against him he gets opportunity to prefer appeal in the upper forum which was more or less done in the present case.

21. I also find substance in the argument of the management considering the fact that the principles enunciated in 1944 Lab I.C. Page 762 or other decision of Hon'ble Supreme Court came into force practically on and from 1990 but it is a case before that and thereby the principles laid down in the said case of Hon'ble Supreme Court does not come to the help of this workman at the present moment.

22. About the second point the workman also relied upon several ruling of the Hon'ble Supreme Court and thereby it was argued that the concerned workman was prejudiced at the time of deciding of preliminary issue but I am of the opinion that preliminary issue was not decided at the initial stage which has been taken up alongwith the original hearing in which no appeal was preferred nor the concerned workman went to the upper forum showing that he was prejudiced by that decision.

23. An attempt was made from the side of the workmen that there was vagueness and incorrectness of the chargesheet and I have given the careful consideration upon the chargesheet but I do not find any vagueness of course an amount stated therein i.e. Rs. 11,700 was challenged and the concerned workman tried to show that the alleged amount should be 10,000 and odd and at page 10 of the written argument the said particulars have been given.

24. Now let me come to the chargesheet itself which was the seed bed of the enquiry.

25. The concerned workman was charged alleging that on 9-2-85 he received a sum of Rs. 1,000 on transfer from Bhulanbarare Colliery but it was credited in the Cash Book. The concerned workman had admitted so virtually but his contention is that he handed over the said amount for purchase of some materials.

26. Secondly it appears that he had been charged on the allegation that on 18-7-84 a sum of Rs. 55,000 was obtained from Area Office but he credited only Rs. 50,000 on the said date in the Cash Book and Rs. 5,000 was not shown therein nor any document was produced bearing such date. However, one slip dated 9-2-85 was produced to explain that he had paid the said amount for purchase of pay loaders parts. Again in the Cash Book an amount of Rs. 1,000 as well as of Rs. 3,708 totalling Rs. 4,708 was not shown in the credit side of the Cash Book which he showed subsequent to that and this fact was admitted in his reply to the chargesheet.

27. It was the contention of the workman that out of Rs. 55,000 as referred to above received on 18-7-94 he credited Rs. 50,000 in the main Cash Book and the balance amount of Rs. 5,000 was entered in the imprest Cash. But he cannot ignore that though it was received on 18-7-94 out of the same Rs. 5,000 was credited on 8-2-95 which is long after the receipt of the said sum of Rs. 55,000 and thereby he cannot ignore that the total sum as Rs. 1,000 + Rs. 5,000 + Rs. 2,000 + Rs. 3,708 totalling Rs. 11,708 was temporarily misappropriated by the concerned workman and he could deny in his reply pursuant to the chargesheet in so many words. On the other hand in a way he admitted that thing with certain explanation of course.

28. Further charge is the manipulation of the records by making a figure of 150 changing one to zero and this fact was also practically became admitted in his reply. Therefore, considering the said facts it is too late to urge for wiping out the charge levelled against him upon some technical ground. On the other hand the entire Cash Book will support the chargesheet and after careful scrutiny of the record of the enquiry I cannot but hold that proper opportunity was given to him and he himself is holding the higher post and he was given full opportunity to defend and he took part in the enquiry and after proper hearing the order was passed. Thereby I have no hesitation to hold that the enquiry was fair and proper and there was every reason to issue the chargesheet and ample materials were there to accept the charges levelled against him.

29. Ultimately after careful consideration of all legal and factual position I hold that the charges established against him for defalcating though temporarily which he deposited subsequently for whichever reason it may be has been established and the finding of guilt of defalcation of the said amount against the concerned workman is based on materials and in consonance of the legal position and I do not find any reason to interfere with the finding of the domestic enquiry.

30. The last part of the argument of the concerned workman is that the punishment was the much harsh dismissing the concerned workman who discharged the work very faithfully since 24-7-61.

31. No doubt this Tribunal under Section 11-A of the I. D. Act I have every power to see whether the punishment is in parity of the charges or charge levelled against the concerned workman. After invoking my power under the said section I discuss the following points.

32. It is not disputed that since 1961 he is working in the management and he was elevated to the post of Cashier in due course of time. Obviously as he was found fit to be elevated and so he was elevated to the post of Cashier. But It does not mean that his past career will exonerate him from the offence in subsequent part of service.

31. At the same time we should not be blind to the workman also and we would throw him into astray as and when any offence or misconduct is committed by him.

32. No doubt being a Cashier the defalcation of the cash of the management or employer temporarily or permanently is the offence which should not be lightly dealt with. There is a settled principle of law that if the offence appears to be of first one then the some chance should be given to the offender to amend himself with proper punishment keeping in mind that his service is not for himself only. There may be several dependants upon him and their fate also depend upon the fate of this workman as obviously in the instant case such situation prevails.

34. Without giving an opportunity for amending the person with proper punishment if we push out from the company and throw into blind lane there is every probability of ruining a person including ruining of family which may encourage him to take illegal recourse for maintaining his family by a way of creating another criminal Act in the society in another manner.

35. Thereby keeping in mind the fate of the dependants of the concerned workman and also by not forgetting his offence I think that it would be proper not to put him into the blind lane but to give him a lesson of course subject to curtailing his position in the service for such misconduct which is not expected from a Cashier who is entrusted with the handling of cash and which he had misused.

36. Therefore, keeping in mind all the facts and circumstances as stated above and also considering the fact that the amount was deposited by the concerned workman subsequently I am of the opinion that he should be treated to some extent liberally and leniently without dismissing him out right which has been done by the management pursuant to the report of the enquiry.

37. Therefore, I cannot say that the action of the management of Bararee Colliery of M/s. BCCL, P.O. Bhulanbararee, Dist. Dhanbad was justified in dismissing Shri P. K. Ghosh Cashier out right.

38. Incidentally it may be pointed out that the Cashier is in the rank of Clerical Grade-I and if his position in service career be lowered with other observation that will meet the ends of justice to the management and that will also be a lesson to the concerned workman.

39. Thus it is ordered that the order of the management to dismiss the concerned workman Shri P. K. Ghosh is hereby set aside but he is ordered to be reinstated in the post of Clerical Grade-II with effect from the date of his dismissal with further order that he should be placed at the top of the cadre list of the said cadre having entitlement further promotion in the remaining part of his service. Though the reinstatement is given from that date, I also order the management to give him half back wages only as a clerk grade-II from the date of his dismissal to the date of reinstatement within one month from the date of publication of the Award. If he be not reinstated within one month as per Award thereafter till the date of his actual reinstatement he will get the full scale of pay of the post to which he has been ordered to be posted.

This is my Award.

D. K. NAYAK, Presiding Officer

नई दिल्ली, 7 मार्च, 1996

का.आ. 1100.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑयल एवं नेचुरल गैस कॉर्पोरेशन लिमि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-96 को प्राप्त हुआ था।

[सं. एल-20040/4/94-आईआर (कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 7th March, 1996

S.O. 1100.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil and Natural Gas Corporation Ltd. and their workmen, which was received by the Central Government on 6-3-96.

[No. L-20040/4/94-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 123 of 1995

In the matter of dispute between :

Shri Rakesh Sharma,  
S/o Sri Hira Lal Sharma,  
131/10, Rajendra Nagar,  
Street No. 2,  
Kaulagarh Road,  
Dehradun.

AND

The General Manager (P),  
Oil and Natural Gas Corporation Ltd.,  
Tel Bhawan,  
Dehradun.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-20040/4/94-I.R (C-I) dated 26-10-95, has referred the following dispute for adjudication to this Tribunal :—

Whether the action of the management of ONGC in terminating the services of Shri Rakesh Sharma S/o Shri Hira Lal Sharma, Contingent Worker w.e.r. 1-5-86 is legal and justified? If not, to what relief the workman is entitled?

2. In the instant case the concerned workman has not filed written statement despite availing of sufficient opportunities. It thus appears that the concerned workman is not interested in prosecuting his case.

3. In view of above, the reference is answered in affirmative and the concerned workman is not entitled for any relief for want of pleadings.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 मार्च, 1996

का.आ. 1101.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑयल एण्ड नेचुरल गैस कॉर्पोरेशन लिमि. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-96 को प्राप्त हुआ था।

[सं. एल-30012/14/94-आई आर (कोल-I)]  
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 7th March, 1996

S.O. 1101.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil and Natural Gas Corporation Ltd. and their workmen, which was received by the Central Government on 6-3-96.

[No. L-30012/14/94-IR(Coal-I)]  
BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 150 of 1995

In the matter of dispute between :

Sri P. C. Saklani,  
S/o Sri Radha Krishna Saklani  
138/1, Akashdeep Colony,  
Balupur Road,  
Dehradun.

AND

The General Manager (P),  
Oil and Natural Gas Corporation Ltd.,  
Tel Bhawan,  
Dehradun.

## AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-30012/14/94-IR(B/C-I) dated 30-11-95, has referred the following dispute for adjudication to this Tribunal:—

Whether the action of the management of ONGC in terminating the services of Shri Prakash Chand Saklani S/o Shri Radha Krishan Saklani, Contingent Worker w.e.f. 1-10-1988 is legal and justified? If not, to what relief the workman is entitled?

2. In the instant case the concerned workman has not filed written statement despite availing of sufficient opportunities. It thus appears that the concerned workman is not interested in prosecuting his case.

3. In view of above, the reference is answered in affirmative and the concerned workman is not entitled for any relief for want of pleadings.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 मार्च, 1996

का.आ. 1102.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑयल एण्ड नेचुरल गैस कॉर्पोरेशन लिमि. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 6-3-96 को प्राप्त हुआ था।

[सं. एल-30012/13/94-आईआर (कोल-I)]  
ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 7th March, 1996

S.O. 1102.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Oil and Natural Gas Corporation Ltd. and their workmen, which was received by the Central Government on 6-3-96.

[No. L-30012/13/94-IR(Coal-I)]  
BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER,  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, PANDU NAGAR, KANPUR

Industrial Dispute No. 151 of 1995

In the matter of dispute between :

Shri Rudra Mani Bhatt,  
S/o Late N. M. Bhatt,  
C/o Sri Shankar Uniyal,  
D-48, Yamuna Colony,  
Dehradun.

AND

The General Manager (P),  
Oil and Natural Gas Corporation Ltd.,  
Tel Bhawan,  
Dehradun.

## AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-30012/13/94-IR. (B/C-I) dated 30-11-95, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of ONGC in terminating the services of Shri Rudra Mani Bhatt s/o Late N. M. Bhatt, Contingent Worker w.e.f. 1-10-86 is legal and justified? If not, to what relief the workman is entitled?

2. In the instant case the concerned workman has not filed written statement despite availing of sufficient opportunities. It thus appears that the concerned workman is not interested in prosecuting his case.

3. In view of above, the reference is answered in affirmative and the concerned workman is not entitled for any relief for want of pleadings.

4. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 8 मार्च, 1996

BEFORE THE PRESIDING OFFICER, CGIT,

NEW DELHI

ID No. 86/95

IN THE MATTER OF :

SHRI V.K. SARASWAT

.. WORKMAN

VERSUS

MATHURA REFINERY

INDIAN OIL CORPORATION

.. MANAGEMENT

JOINT APPLICATION FOR PASSING AWARD IN TERMS  
OF SETTLEMENT

Respectfully Submitted :

का.आ. 1103.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार म. इण्डियन ऑयल कॉर्पोरेशन लिमि. के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली, के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[स. एन-20040/41/94-आईआर(कोल-I)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 8th March, 1996

S.O. 1103.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and their workmen, which was received by the Central Government on 7-3-1996.

[No. L-20040/41/94-IR(Coal-I)]

BRAJ MOHAN, Desk Officer

## ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 86/95

In the matter of dispute between :

Shri V. K. Saraswat, Technician Gr. II,  
through Mahasachiv, Tel Shodhak Karkhana,  
Karamchhari Union (I.N.T.U.C.) 2/236, Namner,  
Agra.

Versus

General Manager.

M/s. Indian Oil Corporation Limited,  
Mathura Refinery, P.O. Mathura Refinery,  
Mathura.

## APPEARANCES :

Shri Surinder Singh for the workman.

Shri J. Bhutner for the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-20040/41/94-I.R. (Coal-I) dated 3-8-95 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of Indian Oil Corporation, Mathura Refinery, Mathura in withdrawing promotion order dated 4th December, 1992 in respect of Shri R. S. Saraswat, Technician Gr. II (Equipment Operator) is justified? If not, to what relief is the workman entitled?"

2. On 29-1-96 both the parties made statement that the matter has since been settled and the settlement Ex. M-1 was also filed by the parties duly signed. In view of the settlement Ex. M-1 the matter is disposed off. The parties shall remain bound by the terms of Ex. M-1 which shall from part of this award. They shall bear their own costs.

Dated, 29th January, 1996.

GANPATI SHARMA, Presiding Officer

1. That the workman had raised industrial dispute regarding his promotion. This dispute was sponsored by Rashtriya Mazdoor Congress (INTUC), Mathura. Before making of Reference order an amicable settlement was arrived at between the parties herein on 7-11-94. The said Union made a request to the Ministry of Labour vide its letter dated 7-11-94 informing that a settlement was arrived at and as such no Reference be made for adjudication.

2. That the settlement dated 7-11-94 was arrived at between the parties. A copy of the settlement is Annexure A to this application. By this settlement, the workman was given noational promotion which was accepted by him. The dispute, therefore, stands resolved between the parties.

3 That it was agreed by the workman in the settlement that the cases filed by and on behalf of him would be withdrawn.

4. That in the meanwhile the dispute stand referred to this Learned Tribunal for adjudication.

5. It is therefore prayed to this Hon'ble Tribunal to pass an award in terms of the settlement dated 7-11-94.

Prayed accordingly.

Mathura  
For and on behalf of  
Indian Oil Corporation Ltd.

JAGAT ARORA, AR for Management  
Signature of Workman & Union Representative

B. K. SARSWAT AR for Workman

मथुरा रिफाइनरी प्रबंधन के समक्ष मथुरा रिफाइनरी में (तकनीशियन) डीजल मैकेनिक के रूप में कार्यरत श्री वी.के. सारस्वत सुपुत्र श्री गिरवर सिंह आयु लगभग 40 वर्ष द्वारा प्रस्तुत शपथपत्र।

मैं उक्त वी.के. सारस्वत शपथ लेता हूँ और विधिवत रूप से निम्नलिखित प्रतिज्ञा करता हूँ कि :—

यह कि मैंने डीजल मैकेनिक मैन्टीनेंस विभाग में (भारी उपकरण प्रचालन) के रूप में अपनी पदोन्नति के लिए अपनी उम्मीदवारी पर विचार करने के लिए प्रबंधन को वर्ष 1992-93 में कई प्रतिवेदन दिये। मैंने ये प्रतिवेदन गलत फहमी के आधार पर दिये थे। अब मैनेजमेन्ट के साथ हुए समझौते के आधार पर मेरी वरिष्ठता मैकेनिकल मैन्टीनेंस विभाग में भारी उपकरण प्रचालन संवर्ग में गिनी जाती है।

2. यह कि कार्मिक विभाग द्वारा यथा सूचित स्थिति से सन्तुष्ट होने पर मैं इस बात से सहमत हूँ कि मेरी वरिष्ठता पर भारी उपकरण प्रचालक संवर्ग में विचार न करके केवल मैकेनिकल मैन्टीनेंस विभाग में डीजल मैकेनिक संवर्ग में ही विचार किया जाना चाहिए। अपनी वरिष्ठता एवं अन्य प्रासंगिक तथ्यों के सम्बन्धित कार्मिक विभाग द्वारा रखे गए अभिलेखों से भी मैं सहमत हूँ।

3. यह कि डीजल मैकेनिक संवर्ग में वरिष्ठता के सम्बन्ध में मेरी स्वीकृति के परिणामस्वरूप और प्रबन्धन द्वारा इसी संवर्ग में अपनी उम्मीदवारी पर विचार करने के सम्बन्ध में मैं इस तथ्य में अवगत हूँ कि मेरी पदोन्नति मैकेनिकल मैन्टीनेंस के विभाग के किसी संवर्ग में न होकर डीजल मैकेनिक संवर्ग में ही प्रभावी होगी।

4. यह कि बाद में मैंने वर्ष 1993-94 में डीजल मैकेनिक संवर्ग में पदोन्नति के लिए प्रबन्धन से अपील की और प्रबन्धन द्वारा डीजल मैकेनिक संवर्ग में पदोन्नति के मेरी अपील पर विचार किया जा रहा है तो मैं एतद्वारा अपनी पदोन्नति प्रभावी होने से पहले पदोन्नति से सम्बन्धित सभी कोर्ट केस को बिना शर्त वापिस लेने के लिए सहमत हूँ।

5. यह कि पूर्ववर्ती तिथि में पदोन्नति प्रभावी होने की वशा में मैं काल्पनिक (मोशनल) वरिष्ठता अवधि के लिए किसी भी प्रकार के पिछले बेतन अथवा आर्थिक लाभों के लिए दावा नहीं करूँगा। अन्य लाभ जो पदोन्नति के आधार पर मिलने चाहिए उन्हें पाने का अधिकारी रहूँगा।

6. यह कि मैं प्रबन्धन को आश्वस्त करता हूँ कि मामलों को वापिस लेने के सम्बन्ध में आवश्यक कार्यवाही मेरे द्वारा तत्काल शुरू की जायेगी और इस सम्बन्ध में प्रमाणपत्र प्रस्तुत करने के पश्चात् ही प्रबन्धन मेरी पदोन्नति का आदेश निकाल सकती है।

7. यह कि मैं मयूरा रिफाइनरी कामगारों पर भविष्य में समय समय पर लागू विभिन्न पदोन्नति नीतियों के अन्तर्गत अपनी पदोन्नति के मामले में प्रबन्धन के निर्णय द्वारा बंधे रहने हेतु इच्छुक हूँ। इस सम्बन्ध में मैं किसी न्यायालय के समक्ष किसी प्रकार विवाद अथवा वाद दायर नहीं करूँगा।

8. यह कि मैंने ऊपर जो कुछ कहा है वह मेरी व्यक्तिगत जानकारी और विश्वास के अनुसार सही है।

अपयककर्ता

वी.के. सारस्वत

मुमुक्षु श्री गिरवर सिंह (तकनीशियन)

मयूरा रिफाइनरी, मयूरा।

MEMORANDUM OF UNDERSTANDING BETWEEN THE MANAGEMENT OF MATHURA REFINERY AND THEIR WORKMEN REPRESENTED BY INDIAN OIL MATHURA REFINERY KARAMCHARI SANGH MATHURA REFINERY, REGARDING PROMOTIONAL AVENUE OF ONE SHRI V. K. SARASWAT, TECH. (DIESEL MECHANIC) REF. No. 76259 U/S 18(1) OF INDUSTRIAL DISPUTE ACT, 1947

PRESENT

S/Shri

K. V. S. Nair, SPAM

T. Balakrishna, PAM

BS Sallan, DMPA (offg.)

PRESENT

S/Shri

Rajesh Sharma, President

Suresh Sharma, Secretary

BL Gupta, Treasurer

Dalip Singh, Executive Member

CP Singh, Executive Member.

Union, from time to time, is espousing the issue of promotion of Shri VK Saraswat, Technician (Diesel Mechanic), Employee No. 76259, for promotion in Heavy Equipment Cadre in Mechanical Maintenance. Management, however, did not agree to consider Shri Saraswat's promotion in Heavy Equipment Operator as his seniority was along been considered in Diesel Mechanic Cadre. After lot of deliberations on the issue, the following have been agreed to :

- (1) Shri VK Saraswat's candidature will be considered as a special case for notional promotion without any financial benefit as Tech. II (Diesel Mechanic) w.e.f. 24th March, 1988 against the vacancy caused in Inspection Cadre due to promotion of 2 Technicians as Mechanical Engineers.
- (2) Having considered the promotion of Shri Saraswat from 24th March 1988, both the parties agreed that his case will again be considered for promotion in terms of the existing cluster Based Promotion Policy. Accordingly, Shri Saraswat will further be considered for promotion as Tech. I (Diesel Mechanic) as and when he acquire 55 marks, on laid down criteria.
- (3) The above Promotion Order will be released subject to the condition that Shri Saraswat must withdraw all the relevant cases pending before various courts prior to effecting the order. Union assures the Management that Shri Saraswat shall not claim for any part of financial benefits accruing due to notional promotion for the period i.e. from the date of his notional promotion of Tech. II (DM) (i.e. 24th March, 1988), till the next promotion to Tech. I.

Management Representatives

Union Representatives

Sd/-

Sd/-

(Illegible)

(Illegible)

Sd/-

Sd/-

(Illegible)

(Illegible)

Sd/-

Sd/-

(Illegible)

(Illegible)

(K. L. Rawat)

Sd/-

Sr. Pers. and Admn. Officer

(Illegible)

Sd/-

(Illegible)

नई दिल्ली, 8 मार्च, 1996

## AWARD

का.आं. 1104.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीकाम के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-1996 को प्राप्त हुआ था।

[सं. एल-40012/2/89-आई आर (जी.यू.)]  
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 8th March, 1996

S.O. 1104.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 7-3-1996.

[No. L-40012/2/89-IR(DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR  
COURT, JABALPUR (M.P.)

Case Ref. No. CGIT/LC(R)(167)/1989

## BETWEEN

Shri Bhavrao Maroti Maet, Post Chirwa, Teh.  
Mouda, District Nagpur (M.S.)

## AND

The Divisional Engineer, Coaxial Telecom  
Installation Project, Gorepeth, Near  
Law College, Nagpur (M.S.)

## PRESIDED IN :

By Shri Advind Kumar Awasthy.

## APPEARANCE :

For Workman—Ku. Sulekha Kumbhare, Ad-  
vocate

For Management—Shri S. S. Jha, Advocate

INDUSTRY : Telecom DISTRICT : Nagpur  
(M.S.)

Dated, February, 12th 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40012/2/89-IR(DU), dated 18th August, 1969, for adjudication of the following industrial dispute :—

## SCHEDULE

“Whether the Divisional Engineer, Telecom Coaxial Installation Division, Nagpur justified in terminating the services of Sri Bhavrao Maroti Mate, a Casual Labour w.e.f. 15-7-87 is justified? If not, to what relief the workman concerned is is entitled to?”

2. The case of the workman is that he has worked as a casual worker in Western Zone Telecom Project in Circle Sakoli, Tahsil and District Bhandara, continuously for more 240 days from 1-9-86 to 15-7-87 and the services of the workman were terminated without giving the required notice or compensation. Workman has prayed for his reinstatement.

3. The case of the workman is that the workman was on daily wages for purely casual work and the workman has refused to work of Jabalpur Section after the work at Nagpur and Raipura Section, wherein the workman has come to an end. The case of the management further is that the workman has no claim for reinstatement and back wages.

4. Terms of reference were made the issue in the case.

5. Parties have not led any evidence. From the statement of claim, it is clear that the workman has not worked for 240 days continuously, the workman has failed to prove that he was entitled for retrenchment compensation and the required notice under Section 25F of the I.D. Act. Consequently, there is nothing on record to hold that the termination of the workman was improper or unjustified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer



नई दिल्ली, 8 मार्च, 1996

का.आ. 1105.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-1996 को प्राप्त हुआ था।

[मं. एल-12011/10/94-आई आर (डी.यू.)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 8th March, 1996

S.O. 1105.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of C.P.W.D. and their workmen, which was received by the Central Government on 7-3-1996.

[No. L-42011/10/94-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 38/95

In the matter of dispute

BETWEEN

Shri Satish Kumar, Billu, Rajesh & Mahipal  
(Sewerman) through Mahasachiv, Central  
Public Works Department, Union,  
E-26 (Old Quarter), Raja Bazar, Baba  
Kharag Singh Marg, New Delhi.

Versus

Director General Works, M/s. Central Public  
Works Department, Nirman Vibhag,  
New Delhi.

APPEARANCES :

Shri Nand Lal—For the Workman.

None—For the Management

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42011/10/94-I.R. (D.U.), dated 24-2-95 has referred the following industrial dispute to this Tribunal for adjudication :

“Whether the action of the management of CPWD not regularising the services of

S/Shri Satish Kumar, Billu, Rajesh, Mahipal (Sewarman) w.e.f. 16-8-91, 19-1-88, 25-5-87, 1-6-88 respectively and Shri Rattia, Sweeper w.e.f. 27-9-89 is justified ? If not, to what relief the concerned workmen are entitled to ?”

2. The case was fixed for filing of the claim on 30-1-96 on which date the claim was not filed several dates had already been given to the workman representative to file the claim but neither any satisfactory reason was given for not filing the claim nor the claim was filed. The case of the workman was closed. There is no dispute brought out by the workman in this case. So no dispute award is given in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 मार्च, 1996

का.आ. 1106.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी.पी.डब्ल्यू.डी. के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[मं. एल-42012/183/93-आई आर (डी यू.)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 8th March, 1996

S.O. 1106.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the industrial Dispute between the employers in relation to the management of C.P.W.D. and their workman, which was received by the Central Government on 7-3-1996.

[No. L-42012/183/93-IR(DU)]

K. V. B. UNNY, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA,  
PRESIDING OFFICER, CENTRAL GOVT.  
INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 7/95

In the matter of dispute

BETWEEN

Shri Bijender, Sewerman as represented by  
CPWD Mazdoor Union, E-26 (Old  
(Quarter), Raja Bazar, Baba Kharak  
Singh Marg, New Delhi.

Versus

Executive Engineer (Civil) CPWD, 'J' Division,  
East Block, R.K. Puram, New  
Delhi.

## APPEARANCES :

Shri Nand Lal—For the Workman

None—For the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/183/93-I.R. (DU), dated 28-12-94 as referred the following industrial dispute to the Tribunal for adjudication :

“Whether the Executive Engineer, J. Division, CPWD, New Delhi was justified in not regularising the services of Shri Bijender Kumar Sewerman who has been working continuously on the said post. If not what relief the workman concerned is entitled to ?”

2. The representative for the workman Nand Lal made statement that he wanted to withdraw this dispute and pass a No Dispute Award. In view of the statement of the representative for the workman No dispute award is passed in this case leaving the parties to bear their own costs.

6th February, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 मार्च, 1996

का.श्रा. 1107.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टेलीग्राफ के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-1996 को प्राप्त हुआ था।

[सं. एल-40012/34/91-आईआर (डीयू)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 8th March, 1996

S.O. 1107.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telegraph and their workmen, which was received by the Central Government on 7-3-1996.

[No. L-40012/34/91-IR (DU)]

K. V. B. UNNY, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(172)/1991

## BETWEEN

Smt. Sheelabai Bhimrao Teltumbde C/o Ku. Sulekha Kumbhare, Hardas Nagar, Kamptee, Nagpur (MS)-440001.

## AND

The District Manager, Telecommunication Saraf Chambers, Nagpur (MS)-440001.

## PRESIDED IN :

By Shri Arvind Kumar Awasthy.

## APPEARANCES :

For Workmen—Ku. Sulekha Kumbhare, Advocate.

For Management—Shri J. L. Chattani.

INDUSTRY : Telegraphs DISTRICT : Nagpur (MS)

## AWARD

Dated, the 12th February, 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No. L-40012/34/91-IR (DU) dated 26-9-1991, for adjudication of the following industrial dispute :—

## SCHEDULE

“Whether the action of the management of S.D.O. Telegraphs-I, Nagpur in not providing the job on compassionate grounds to Smt. Sheelabai Bhimrao Teltumbde is justified ? If not, to what relief the concerned workman is entitled to ?”

2. Admitted facts of the case are that Shri Bhimrao Teltumbde was a casual labour and during the course of the employment he was expired on 16-7-1988.

3. The case of the workman is that she is the wife of the deceased, Bhimrao and Bhimrao had worked continuously for about 8 years; that Bhimrao was entitled for his absorption as permanent employee and his widow, Party No. 2 (Smt. Sheelabai) be absorbed on compassionate ground.

4. The contention of the management is that the deceased workman, Bhimrao was on daily wages and he was not entitled for absorption as a permanent employee. Bhimrao was engaged for seasonal work for a period of 2 months only; that the wife of the deceased has no right to be appointed on compassionate ground.

5. Management has filed the Circular dated 12-7-90 regarding the appointment of dependents of the casual worker on compassionate ground and it clearly lays down that the dependents of casual mazdoor has no right for appointment on compassionate ground.

6. The husband of Party No. 2 was a casual mazdoor for a limited period for the specified work. As such, he was not entitled for absorption as a permanent employee.

7. Action of the management of S.D.O. Telegraphs-I, Nagpur in not providing the job on compassionate grounds to Smt. Sheelabai Bhimrao Teltumbde is justified. Reference is answered in favour of the management. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 8 मार्च, 1996

का.श्रा. 1108.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिस्टिम बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[सं. एल-12012/248/89-डी-II-ए/आईआर (बी-II)]

बी. के. गर्गा, डेस्क अधिकारी

New Delhi, the 8th March, 1996

S.O. 1108.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 7-3-1996.

[No. L-12012/248/89-D.II (A)]

V. K. SHARMA, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)  
Case Ref. No. CGIT/LC(R)(56)/1990

## BETWEEN

Shri Arun Kumar Das S/o Shri R. K. Das, Sikola Bhattha  
Prem Nagar, P.O. Durg, District Durg (MP).

## AND

The Assistant Manager, Syndicate Bank, Zonal Office,  
Nehru Brij, Ahmedabad (AP)-380009.

## PRESIDED IN :

By Shri Arvind Kumar Awasthy.

## APPEARANCES :

For Workman—Shri H. B. Agarwal, Advocate.

For Management—Shri A. K. Shasi, Advocate.

INDUSTRY : Banking

DISTRICT : Durg (MP)

## AWARD

Dated, the 16th February, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/248/89-D.II (A) dated 15-2-1990 for adjudication of the following industrial dispute :—

## SCHEDULE

"Whether the action of the management of Syndicate Bank in terminating the services of Shri Arun Kumar Das is justified? If not, to what relief is the workman entitled?"

2. Admitted facts of the case are that the workman, Arun Kumar Das, was posted in the Syndicate Bank at Supela Branch on 2-12-1985 as a temporary attender; that the service of the workman was terminated without giving notice and **retrenchment compensation**.

3. The case of the workman is that he has worked for more than 240 days from 2-12-85 to 15-2-1987; that there was artificial break in his service; that the termination of the workman from service is illegal and the workman be reinstated in service with full back wages.

4. The case of the management is that the workman was engaged as a badli worker for specified period and his services were terminated as per terms of contract; that the workman has not worked for 240 days and there was no artificial break in his service; that the termination of the workman was not retrenchment and it was legal and as per terms of contract.

5. Terms of reference was made the issue in the case.

6. The workman has examined himself and management has examined Shri S. Manju Nath and produced nine documents by the management.

7. From the cross-examination of the workman and the documents filed by the management, it is clear that the workman was appointed as a casual worker, the statement of S. Manju Nath, management witness, is that the workman was appointed as substitute on different occasions and his appointment was for a specified period of day to day basis.

8. From the appointment letter Ex. M/1, it is clear that the workman was appointed temporarily for a fixed period of 45 days, the workman has filed the Certificate Ex. W/2 and Ex. W/3 which go to show that the workman has worked for a specified period as a temporary attendant. Shri S. Manju Nath (MW-1) has stated that the services of the workman was terminated as per contract and also because no work was available. From the appointment order of the workman (Ex. M/1) and related documents, statement of S. Manju Nath is fortified that the workman was casual employee for a specified period and his services were terminated after the expiry of terms of contract. Consequently, termination of the workman is covered by Section 2(oo) of the I. D. Act and it does not amount to retrenchment.

9. S. Manju Nath (MW-1) has stated that he was working as Branch Manager and the workman has worked from 3-11-86 to 17-12-86 for 45 days and he has worked for 59 days from 1-1-87 to 28-2-87. The management has filed the documents Ex. M/1 to Ex. M/9 to show that the workman has not worked for 240 days. The workman has not filed any document or examine any witness to show that he worked for more than 240 days. Consequently, on the basis of the statement of S. Manju Nath (MW-1) and the details of the work done by the workman vide Ex. M/8 and Ex. M/9, it is clear that the workman has worked less than 240 days in a calendar year.

10. The workman has admitted that there was break in his service and he has not worked continuously for 240 days. The contention of the workman is that breaks in his service were artificial and on account of unfair labour practice. There is no evidence on record to show artificial break in his service and on the other hand from the nature of the service of the workman, it is clear that the break in service of the workman was terminated as per terms of contract only.

11. Consequently, termination of the workman is held not retrenchment and there was no illegality in the termination of service of the workman by the management. Reference is answered in favour of the management. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 8 मार्च, 1996

क्र.सं. 1109 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्तर्गत में, केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबन्धतन्त्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अलुबन्ध में निश्चित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[नं. एन-12012/82/95-आईआर(बी-II)]

वी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 8th March, 1996

S.O. 1109.—In pursuance of Section 11 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Punjab National Bank and their workman, which was received by the Central Government on 17-3-1996.

[No. L-12012/82/95-IR (B-II)]

V. K. SHARMA, Desk Officer

## ANNEXURE

New Delhi, the 8th March, 1996

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 80/95

In the matter of dispute :

BETWEEN

Shri Manoj Kumar through

Maha Sachiv, P.N.B. Canteen Workers' Union,  
WZ-677, Shiv Nagar Extension, Jail Road,  
New Delhi-58.

Versus

Assistant General Manager,  
Punjab National Bank,  
7, Bhikaji Cama Place, New Delhi-110066.

## APPEARANCES :

None—for the workman.

Shri Brijender Batra—for the Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-12012/82/95-IR (B-II) dated 25-7-1995 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Punjab National Bank New Delhi in terminating the services of Sri Manoj Kumar, Casual workman w.e.f. 8-9-84, is legal and justified ? If not, what relief is the said workman entitled to ?"

2. The workman did not file any claim and he asked for adjournment on 14-12-95. The case was then adjourned to 18-1-96. On 18-1-96 an application was filed by the workman showing his intention to withdraw the dispute. A notice was ordered to be issued to his Union for 29-1-96.

3. On 29-1-96 neither the workman appeared nor anybody appeared on behalf of the workman or his Union Representative. Since the workman had filed an application for withdrawal of the dispute so it appeared that the workman was not interested in pursuing this dispute. Hence no dispute exists between the parties. A No dispute award is, therefore, given in this case leaving the parties to bear their own costs.

Dated : 29th January, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 मार्च, 1996

का.आ. 1110 -- औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेन्ट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निरिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कानपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[सं. एन-12012/70/87-डी-II/आईआर(बी-II)]

वी. के. शर्मा, हेमक अधिकारी

S.O. 1110.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Central Bank of India and their workman, which was received by the Central Government on 7-3-1996.

[No. L-12012/70/87-D.II (A)/IR (B-II)]

V. K. SHARMA, Desk Officer

## ANNEXURE

BEFORE SRI B. K. SRIVASTAVA PRESIDING OFFICER  
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT PANDU NAGAR KANPUR

Industrial Dispute No. 87/88

In the matter of dispute :

BETWEEN

Babadeen Sharma,  
C/o V. N. Sekhari,  
26/104 Birhana Road,  
Kanpur.

AND

Chief Manager,  
Central Bank of India,  
Pandu Nagar, Kanpur.

## AWARD

1. Central Government, Ministry of Labour, vide its Notification No. L-12012/70/87-D.II (A) dated 14-7-88, has referred the following dispute for adjudication to this Tribunal—

Kya Central Bank of India, Kanpur ke Kshetriva Prabandhak dwara apni Unnao Shakra ke Sri Babadin Sharma ki 1-10-83 ke sewae samapt karna nyayochit hai ? Yadi nahi to sambandhit karmkar kis anutosh ka haqdar hai ?

2. In his claim statement the concerned workman Babadin Sharma has alleged that according to bipartite settlement and various awards there are four types of status of workmen viz. Permanent, Part-time, Temporary and Probationers. The bank has no right to give an employee a status other than mentioned above. Still in breach of above terms of settlement the opposite party Central Bank of India at Unnao Branch had appointed the concerned workman as peon on 23-7-81 treating him to be casual worker. He worked there upto 1-10-83, for a total period of 406 days. It is further alleged that he had worked on a permanent post and had discharged all the duties of a peon. Although he was doing the job of regular nature still he was being paid wages as a daily rated worker. The opposite party had adopted unfair labour practice by giving short breaks in the service so that the concerned workman may not be able to complete 240 days in a calendar year. The opposite party has finally stopped taking work on 31-8-83. Juniors to him were retained in service and fresh hands were appointed but the concerned workman was not given the opportunity of job. The concerned workman was also not paid notice pay and retrenchment compensation, hence his termination is bad.

3. The opposite party has filed written statement in which it was alleged that the services of the concerned workman were utilised during the period mentioned in the written statement because of exigency of work. When that work came to an end the management stopped utilising the services of the workman. The concerned workman in all had not worked for 406 days, but had worked for 82 days in 81, for 133 days in the 82, and for 118 days in the year 1983 total 333 days. It is denied that after the retrenchment

of the concerned workman any junior or new hands were employed. It was also alleged that the concerned workman was not taken through employment exchange. There is no question of observance of provisions of Section 25-F of the I. D. Act, 1947.

4. In the rejoinder the concerned workman has denied the new factual pleas raised in the written statement.

5. The concerned workman has filed Ext. W-1 to W-7/2. A joint inspection was also carried out on 31-10-91. This shows that between 1-10-82 and 30-9-83 the concerned workman has worked for 145 days. The management has not adduced any evidence.

6. The first point which needs consideration is as to whether the concerned workman was doing the work of regular nature. In this regard there is affidavit of the concerned workman in which he has stated that he was doing the work of permanent nature at Unnao Branch. In his cross examination he has stated that he used to serve water to the needy persons in the office and further used to maintain record. He further added that he used to do all the work which a whole time peon was supposed to do. It was denied by him that he was called to serve us and when there was need. In rebuttal there is evidence of A. C. Sharma. He is the Assistant Regional Manager. He has stated that the concerned workman used to do work as a casual labour. In his cross examination he has stated that the concerned workman was not given any appointment letter. No settlement had ever taken place for giving work which had completed 240 days.

7. Ext. W-3 is a letter dated 13-6-84 written by Chief Manager of the branch to Regional Office. In this letter the concerned workman has been described as temporary sub staff. It was further admitted that the concerned workman was employed through employment exchange.

8. Ext. W-5 is the copy of recorded note of discussions held between the management and Sri V. N. Sekhari, the representative of the workman. According to this statement the concerned workman was to appear in the recruitment test for the sub staff. His absorption was subject to passing of test. It appears that the representative of the concerned workman did not agree to it as according to him this absorption was contrary to the observations made by the Hon'ble Supreme Court in other cases. It is worth while to note that Unnao branch is a small one. It has never been averred nor proved as to who else was working as peon if the concerned workman was not working on regular basis. In the absence of such pleading and proof, I am inclined to accept the pleading of the concerned workman that only he was doing the job of this branch. Obviously in a branch services of a regular peon are required. Hence it is held that the concerned workman was doing work of a permanent nature where no other peon was working.

8. According to joint inspection report the concerned workman had worked for 145 days during the last calendar year i.e. 1-10-82 to 3-9-83. When there was need of a permanent peon at Unnao Branch and when the workman was employed to do this job. If the management in order to deprive the concerned workman the status by regular employee has chosen to create break in his service, it would amount to unfair labour practice as envisaged by item No. 10 of Fifth Schedule of Industrial Disputes Act, 1947. Further in the case of Workman of American Press International Banking Corporation versus Management of American Express International Banking Corporation, 1985 (51) FLR 481 (SC), it has been held that if breaks have been created by the management and wages have not been paid for Sundays and other holidays, it will be deemed that the concerned workman rendered services for this period as well. Accordingly it will be treated that he had 'actually worked under the employer'. In view of this authority, I am inclined to infer that breaks as is found between 1-10-82 to 30-9-83 in the joint inspection note were artificial. Consequently the concerned workman will be deemed to have continuously actually worked under

the opposite party bank during the above period. There was requirement for compliance of Section 25-F of Industrial Disputes Act, 1947.

9. As such retrenchment of the services of the concerned workman is bad in law.

10. There is no reliable evidence to show that junior to the concerned workman have been retained in service. In fact he could not be any junior to concerned workman as at the material time there was none other than the concerned workman, working as a peon. Hence question of breach of Section 25-G does not arise. On the same ground question of breach of Section 25-H of I. D. Act also does not arise.

11. From the above discussions, it follows that retrenchment of the concerned workman is illegal. Consequently, he will be entitled for reinstatement and back wages from the date of reference at the rate at which he was getting at the time of his termination. Back wages have been denied between the date of termination and the date of reference because of unexplained delay. Workman shall also get Rs. 100 as costs of the case.

Dated : 16-2-1996

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 11 मार्च, 1996

का.आ. 1111.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार देना बैंक के प्रबंधनत्व के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में, औद्योगिक अधिकरण, हैदराबाद के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[सं. 12012/147/92-आईआर (बी-II)]  
बो. के. शर्मा, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1111.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Dena Bank and their workman, which was received by the Central Government on the 8th March, 1996.

[No. L-12012/147/92-IR (B-II)]

V. K. SHARMA, Desk Officer

ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL-1 AT HYDERABAD

PRESENT :

Sri A. Hanumanthu, M.A., LL.B., Industrial Tribunal-I.

Dated : 23-12-1995

Industrial Dispute No. 61 of 1992

BETWEEN

N. Lakshminarayana, Workman

.. Petitioner

AND

The Management of Dena Bank  
Regional Manager, Bangalore.

.. Respondent.

APPEARANCES :

Sri Ch. Laxminarayana, Advocate—for the Petitioner.

M/s. S. Ravindranath, G. Suryam and M. Sohan, Advocates—for the Respondent.

## AWARD

This reference has been made by the Government of India, Ministry of Labour, New Delhi by its Order No. L-12012/147/92-IR(B.II) dated 1st September, 1990 under Section 10(1)(d) & (2A) of the Industrial Disputes Act, 1947 (hereinafter called the Act) for adjudication of the dispute annexed in the schedule therein which reads as follows :

"Whether the action of the management of Dena Bank in dismissing Sri N. Laxminarayana, Clerk-cum-Cashier w.e.f. 5th February, 1991 without giving Notice, is justified? If not to what relief he is entitled?"

The said reference has been registered as Industrial Dispute No. 61 of 1992 on the file of this Tribunal.

2. On behalf of the Petitioner-workman, a claim statement has been filed to the following effect. The workman N. Laxminarayana is the Vice President of Dena Bank Employees Union, Nizamabad. He had several deposit accounts in Dena Bank in his name and his family member's names. He had taken SDR for Rs. 12,000.00 on 7th March, 1979. He prepared concerned credit and debit vouchers of his saving bank account and other joint accounts of his family members. Pooling the money together he wanted to avail S.D.R. for Rs. 12,000.00. Due to error on the part of the concerned officers, one saving bank account of N. Laxminarayana had not been debited to the extent of Rs. 10,802.47 and the S.D.R. was issued. The Bank had located the error in the year 1983 and the workman was asked to pay the difference and accordingly he had credited the amount to his account to rectify the entry. In 1989 the Management chose to issue charge sheet dated 20th January, 1989 only to victimise him for his Trade Union activities. The enquiry held against the workman Laxminarayana is biased and it is in violation of principles of natural justice. The guilt of the workman was not been proved in the enquiry. The punishment of dismissal without notice basing on such enquiry is illegal. The Enquiry Officer and the presenting officer never bothered to produce any witness in the enquiry. They simply filed some relevant and irrelevant third party documents and on relying on them the Enquiry Officer held Laxminarayana guilty and basing on that enquiry, the Disciplinary Authority imposed the punishment of dismissal without notice on 22nd September, 1990. The Appellate Authority also dismissed the appeal without giving any valid reasons and confirmed the punishment of dismissal on 14th January, 1990. The workman N. Laxminarayana is not responsible for any of the misconducts of commission and omission of others. The punishment imposed on him is disproportionate to the misconduct proved against him. Hence the punishment of dismissal without notice imposed on Laxminarayana should be set aside and he may be reinstated in to service.

3. On behalf of the Respondent-Management a counter has been filed to the following effect. The workman N. Laxminarayana was working in Nizamabad Branch as Cashier-cum-Clerk. On 7th March, 1979 he was officiating as Cashier as regular cashier was on leave. He was charge sheeted on 20th January, 1989 on the allegations that "Doing an act prejudicial to the interests of Bank or gross negligence or negligence involving the bank or likely to be involved the bank in serious loss as in para 19.5(j) of Bipartite Settlement dated 19th September, 1966 and committing fraud and misappropriation of bank's money para 19.13 of Bipartite Settlement" and he was called upon to offer his explanation, but he did not offer any explanation. Therefore, the Respondent appointed one B.T. Gandhi Deputy Regional Manager (Administration) Bangalore as Enquiry Officer. The enquiry was held on various dates. One Vora was appointed as Presiding Officer. The workman took the assistance of Prithvi Raj, General Secretary of the Dena Bank Employees Union to defend him in the enquiry. The Management examined one Madhusudan Rao, Accountant and documents were marked. No evidence was adduced on behalf of the workman. Written arguments were submitted by the Presenting Officer as well as the representative of the workman. The Enquiry Officer after considering the evidence on

record, held that the charges levelled against the workman are proved and submitted his report to that effect on 3rd August, 1990. A second show cause notice was served on the workman proposing the punishment of dismissal from service. Along with the second show cause notice, the report of the Enquiry Officer was also enclosed. A personal hearing was given on 31st August, 1990 to the workman and his representative. The disciplinary authority imposed the punishment of dismissal from service with effect from 22nd September, 1992. The appeal preferred by the workman was also dismissed on 14th January, 1991. The petitioner played deliberate fraud on the Bank in not debiting Rs. 12,000.00 in Saving Bank Account. He remained silent till the fraud was detected. The action of the petitioner in converting SDR to FDR and subsequently opting for premature closure of FDR to make a fresh FDR clearly shows the meticulous modus operandi adopted by the Petitioner to wipe out the origin of the FDR when the petitioner was encountered with the facts of the incident during February 1984 he readily made good the sum without even taking the pains to cross-checking the accounts. The petitioner wanted to keep silent as long as it was undetected but paid the amount as seen as it was detected. There is no truth in the allegation that the Management wanted to victimise the petitioner for his Trade Union activities by issuing charge sheet. The action was initiated because he played fraud on the Bank. The disciplinary action was taken against the petitioner on two misconducts which are of serious in nature and the Management lost confidence in the petitioner. The petitioner is not entitled for any relief.

4. No oral evidence has been adduced on either side. Only documents Exs. W1 to W4 and M1 to M10 are marked on behalf of the Petitioner and Respondent respectively. The details of the documents are appended to this Award.

5. The points that arise for consideration are as follows :

- (1) Whether the action of the Management of Dena Bank in dismissing the workman N. Laxminarayana, Clerk-cum-Cashier is justified?
- (2) To what relief the workman N. Laxminarayana is entitled?

6. POINT (1) :—The facts leading for making this reference are as follows :—In the year 1979 the workman N. Laxminarayana was working as Cashier-cum-Clerk in Dena Bank, Nizamabad Branch. On 7-3-1979 he submitted an application to the Bank for issue of Samruddhi Deposit Receipt (in short called as SDR) for Rs. 12,000.00 for a period of 63 months in the names of himself and his wife N. Lakshmi Bai. To make good that amount he prepared two debit vouchers and two credit vouchers as under :

Dr. Savings Book A/c No. 128	Rs. 4,000.00
Cr. Savings Bank A/s No. 333	Rs. 4,000.00
Dr. S.B. A/s No. 333	Rs. 10802.47
Cr. S.D.R.	Rs. 12,000.00

S.B. A/s. No. 128 stands in the name of the workman N. Laxminarayana and S.B. A/c No. 333 stands in the joint names of workman N. Laxminarayana and his minor child. The balance amount of Rs. 1,197.53 was tendered by him by premature encashment of cash certificate No. 43674 on the very same day, i.e., 7-3-1979. SDR bearing No. 066331 for Rs. 12,000.00 was issued in his name along with the name of his wife on the same day i.e., 7-3-1979. But debit entry for Rs. 4,000.00 in S.B. A/c No. 128 and debit entry of Rs. 10,802.47 in S.B. A/s 333 and Credit entry of Rs. 4,000.00 in S.B. A/c No. 333 were not posted/accounted on 7-3-79. Subsequently on 10-3-1979 he posted a cheque for Rs. 163.00 favouring Sri N. Sridhar Rao in his S.B. A/c No. 128.

On 21-3-1979 the workman Laxminarayana prepared another set of vouchers by debiting SDR A/s for Rs. 12,000.00 and crediting FDR A/s. for the same amount, stating "The amount wrongly credited to SDR on 7-3-1979 being reversed and FDR bearing No. 1578701 dt. 7-3-1979 being issued in its place." He also availed over draft limit of Rs. 10,800.00 against the said FDR for Rs. 12,000.00. He also received a credit of Rs. 1,183.57 being the amount of monthly interest

from 4-4-1979 to 10-3-1980 for the said FDR and he also prematurely encashed the said FDR on 8-3-1980 and a fresh FDR was taken by him.

On 28-2-1984 i.e. after lapse of five years, non-posting/accounting debit entries of Rs. 4,000.00 and Rs. 10,802.47 in S.B. A/c No. 128 and S.B. A/c No. 333 respectively were detected and the workman Laxminarayana immediately repaid the amount of Rs. 11,986.46 to the Bank.

As the said note of the workman Laxminarayana amounted to unauthorised utilisation of Bank's money to a tune of Rs. 11,986.46 and as it constituted an act prejudicial to the interests of the Bank and also constituted fraud and misappropriation of Bank's money in terms of Para 19.5 (j) of Bipartite Settlement and 19.13 of Bipartite Settlement dt. 19-10-1966, the Management issued a charge-sheet (Ex. M1) dt. 20-1-1989 calling for his explanation to the charges within one week from the date of the receipt of the charge sheet. The workman received the said charge sheet on 30-1-1989 as seen from endorsement on Ex. M1. But the workman did not choose to file any explanation to the said charge sheet. As no explanation was received from the workman, the Respondent-Management ordered domestic enquiry and appointed one B. T. Gandhi as Enquiry Officer and J. K. Vora as the Presenting Officer on 8-4-1989 under Ex. M2. The workman sought copies of some documents for submitting his explanation to the charge sheet. The enquiry officer conducted the enquiry against the workman. The workman participated in the enquiry and he was also defended by his representative P. Prithvi Raj. During the course of enquiry, one witness was examined on behalf of the Management and documents were marked. On behalf of the workman, no oral or documentary evidence was adduced. Ex. M3 is the enquiry proceedings. Ex. M4 are the original documents i.e. Samrudhi Deposit Receipt, F.D. Rs. debit and credit vouchers and extracts of the ledgers relating to S.B. A/Cs. No. 333 and 128. The Presenting Officer as well as defence Representative submitted their written arguments Exs. M5 and M6 respectively, before the Enquiry Officer. On a consideration of the oral and documentary evidence placed before him and written arguments, the Enquiry Officer submitted his enquiry report Ex. M7 on 30-5-1990 and he held that the charges levelled against the workman are proved. The Disciplinary Authority issued a second show cause notice dt. 3-8-1990 (Ex. M8) proposing the punishment of dismissal from service and he also enclosed a copy of the Enquiry Officer's report. The workman was also given personal hearing by the Disciplinary Authority on 31-8-1990. Ex. M9 is the proceedings of the personal hearing in respect of the proposed punishment to be imposed on the workman. Thereafter, the Disciplinary Authority on a consideration of the evidence on record and the findings submitted by the Enquiry Officer, concurred with the Xerox copy of the memorandum of appeal dt. 26-10-1990 (Ex. M10) imposed the punishment of dismissal from service. Aggrieved by that order, the workman preferred an appeal to the Zonal Manager Dena Bank, Bangalore. Ex. W1 is the Xerox copy of the memorandum of appeal dt. 26-10-1990 submitted to the Zonal Manager. The Zonal Manager gave personal hearing in the appeal to the workman and his representative Prithvi Raj on 1-12-1990. Ex. W2 is the Xerox copy of the proceedings of the personal hearing in the matter of appeal filed by the workman. Thereafter, by his order dt. 14-1-1991 (Ex. W3) the Appellate Authority i.e. Zonal Manager, Bangalore dismissed the appeal of the workman and confirmed the order of dismissal passed against the workman. Thereafter a dispute was raised before the Assistant Commissioner of Labour (Central) Hyderabad and the conciliation proceedings ended in failure. Thereafter the Government of India, Ministry of Labour made this reference for adjudication of the dispute by this Tribunal.

7. Before this Tribunal the Counsel for the Workman took a preliminary objection stating that the domestic enquiry held in this case is defective and as such invalid. But this Tribunal, by its order dt. 27-3-1995, held that the domestic enquiry conducted in this case is just and proper. Therefore on behalf of the workman I.A. No. 59/95 was filed to direct the Respondent-Management to produce three letters mentioned in the petition for perusal by this Tribunal. After contest, this Tribunal allowed the said petition and the Respondent Management was directed to produce those three letters men-

tioned in the petition for consideration by this Tribunal on or before 31-7-1995. The Respondent-Management took time till 9-10-1995 for production of the said documents, but on 9-10-1995 on behalf of the Management, a Memo was filed stating that the documents called for are not traceable and that the Respondent Management has no objection if the petitioner files copies of the said documents before this Tribunal. The said Memo has been recorded. On 28-10-1995 the Counsel for the Petitioner filed Xerox copy of the letter dt. 9-2-1995 addressed by the Assistant General Manager, Head Office Bombay to the Regional Manager, Zonal Branch, Madras and the said letter has been marked as Ex. W4.

8. As earlier stated, this Tribunal by its order dt. 27-3-95 held that the Domestic Enquiry conducted in this case is just and proper. It is well settled that once the domestic enquiry is held valid or the workman has not challenged the validity of domestic enquiry, the jurisdiction of this Tribunal is limited and normally it cannot interfere with the finding of the enquiry officer in the domestic enquiry. It is also well settled that the Industrial Tribunal can interfere with the finding of the enquiry officer only when the finding is not based on legal evidence such as no reasonable person could have arrived at on the basis of material before it i.e. in other words, the finding is treated as perverse, and when the Tribunal comes to the conclusion that the punishment imposed is extremely harsh and unjust and wholly disproportionate to the misconduct proved and that it may lead to an inference of victimisation. In the case of victimisation or unfair labour practice, it is open to the Industrial Tribunal to go into the merits of the case and to investigate whether the order of punishment is justified. The Industrial Tribunal would be justified in categorising the finding recorded in the domestic enquiry as perverse only if it is shown that the said finding is not supported by any evidence or is entirely opposed to whole body of evidence produced before him. Further in exercising the discretionary power conferred on the Tribunal by section 11A of the Act, to interfere with the punishment, the discretion should not be exercised in an arbitrary manner but it should be exercised in judicial and judicious manner. Further the altered punishment imposed by the Tribunal should not amount to absolving the employee of the misconduct or make the punishment merely illusory and allow the employee to go scot free, particularly when the charges are found to be grave in nature. Vide A. P. SCATI ROAD TRANSPORT CORPORATION Vs. ADDL LABOUR COURT-CUM-INDUSTRIAL TRIBUNAL (1983 63 FIR 230). It is also well recognised principle of leniency regarding the penalty to be imposed for misconduct that the penalty imposed should be commensurate to the gravity of charge proved. The Tribunal may award lesser punishment if it is of the opinion that proved misconduct does not merit the punishment by way of discharge or dismissal. It is also well settled that leniency can only depend upon the nature of misconduct alleged against a workman and not on the question as to whether the workman is married or that he has put in particular length of service.

8. In the instant case, the proved misconduct on the part of the petitioner-workman is that by merely depositing a sum of Rs. 1,197.53 the workman could successfully secure S.D.R. for a sum of Rs. 12,000/- while he was working as Clerk-cum-Cashier on 7-3-79, that on 21-3-79, he cancelled the S.D.R. and converted it into F.D.R. and availed the overdraft of Rs. 10,000/- and he also enjoyed the benefit of Rs. 1183.57 onwards interest for the period from 4-4-79 to 10-3-80 and thus he unauthorisedly utilised the money of the Bank to a tune of Rs. 10,802.47 with interest thereon and thus committed fraud on the Bank and involved the Bank in serious loss. Ex. M4 are the original documents i.e. Samrudhi Deposit Receipt, F.D.Rs and Debit and Credit Vouchers, Cash Certificate, extracts of the ledgers relating to the Savings Bank Account Nos. 128 & 333. Ex. M3 is the Enquiry Proceedings into the charges levelled against the petitioner. Ex. M7 is the report of the Enquiry Officer holding the charges levelled against the workman as proved. A perusal of the original documents under Ex. M4 and the findings recorded by the Enquiry Officer under Ex. M7 reveals that the conclusions drawn by the Enquiry Officer are perfectly correct and the Enquiry Officer has rightly held that the charges are proved. There is nothing on record to show that the findings of the Enquiry Officer are mala fide or perverse. It cannot be said that no case has been made out against the petitioner workman. Admittedly the petitioner-workman had two S. B.



Accounts one bearing No. 128 standing in his name and another bearing Account No. 333 in his name as well as in the name of his minor daughter. He made an application for issuance of Samruddi Deposit Receipt for Rs. 12,000/- on 7-3-79. For issuance of Samruddi Deposit Receipt of Rs. 12,000/- he prepared credit voucher transferring Rs. 4,000 lying in his S.B. Account No. 128 to the credit of SB Account No. 333 and he also prepared debit voucher for Rs. 10,802.47 Ps. for the A/C No. 333 and for the balance amount of Rs. 1197.53, to make it to Rs. 12,000/-. he encashed the cash certificate bearing No. 43674 dt. 7-3-78 the date of maturity of it, is 7-3-1998. But the workman did not make debit entry of Rs. 4,000/- for SB Account No. 128, Debit Entry of Rs. 10,802.47 for SB Account No. 333 and credit entry of Rs. 4,000/- for SB Account No. 333 in the ledgers. Thus by merely depositing a paltry sum of Rs. 1197.53 Ps. the workman successfully secured the Samruddi Deposit Receipt for Rs. 12,000 because of non-posting of the entries. Further he converted the said S.D.R. into F.D.R. on 21-3-1979. He also enjoyed the benefit of interest of Rs. 1183.57 on the said F.D.R. for the period from 4-4-1979 to 10-3-80. It is no doubt true that when those fraudulent transactions were detected, the petitioner had made good the amounts by depositing the same into Bank on 25-2-1984. M.W1 Madhusudan Rao who worked as Officer of the respondent-Bank at the relevant time, has spoken to all those fraudulent transactions of the petitioner. He has also spoken to the preparation of vouchers by the petitioner-workman and non-posting of entries in the S.B. Account Nos. 128 and 333 belonging to the petitioner-workman. M.W1 Madhusudan Rao was also cross-examined at length by the representative of the workman, but nothing has been elicited to discredit his testimony. The petitioner-workman has not disputed the preparation of the vouchers by him and also non-posting of the entries in the accounts of the Bank. He has also not objected for marking all these documents at the time of domestic enquiry.

9. The learned counsel for the petitioner submits that the charge-sheet is vague and that the Enquiry Officer acted in a biased manner and that the Enquiry Officer gave his findings on the documents which are not proved at the time of enquiry. There is no substance in this contention of the learned counsel for the petitioner. The charge-sheet contains the allegations regarding the fraudulent transactions resorted to by the petitioner in obtaining S.D.R. for Rs. 12,000/- by paying a paltry sum of Rs. 1197.53 Ps. Further there is nothing on record to show that the Enquiry Officer had acted in a biased manner. There is also no substance in the contention of the learned counsel for the petitioner that the petitioner-workman is not responsible for posting those entries. It is not disputed that the petitioner was working as Clerk-cum-Cashier at the relevant time i.e. on 7-3-1979. He worked as Cashier in the absence of a regular cashier and therefore it was his duty to post the entries in the records of the Bank. A perusal of the entries in the S.B. Account Nos. 128 & 333 reveals that the petitioner was fully aware of non-posting of these vouchers or entries in his S.B. Accounts. It is no doubt true that there is delay in filing the charge sheet. The misconduct committed by the petitioner was detected in the year 1984. The charge-sheet was filed in the year 1989. But more delay in filing the charge-sheet is not a ground to absolve an employee of his proved misconduct. There is no substance in the contention of the learned counsel for the petitioner that the workman was victimised on the ground of his trade union activities. Admittedly the workman did not choose to submit his explanation to the charge-sheet which was served on him. He also did not choose to enter into the witness box to rebut the evidence of M.W1 and the documentary evidence produced at the time of domestic enquiry. Nothing prevented him to enter into the witness box and explain his conduct or his ignorance with regard to his posting of vouchers. The entire case is based on documents which are maintained regularly during the course of business of the Bank and also proved by M.W1, who was the Officer of the Bank. The workman has not denied the fact in his claims statement with regard to the preparation of vouchers. He kept quiet for a period of about 5 years until his misconduct was detected in normal course by M.W1 and others and when he was confronted with his misconduct, he made good the amount without verification of the accounts by depositing the amount in the Bank. The ledger folios and the entries in the S.B. Account Nos. 128 and 333 speak about the non-posting of debit entries. The evidence on record has conclusively proved the misconduct alleged against the petitioner workman. The conclusions drawn by

the Enquiry Officer are perfectly correct and the Enquiry Officer has rightly held the charges as proved. I do not find any reason to say that the finding of the Enquiry Officer is malafide and perverse. The document Ex. W4 does not in any way help the case of the workman.

10. It is also contended by the learned counsel for the petitioner that the punishment of dismissal from service imposed on the petitioner-workman is disproportionate to the proved misconduct of the petitioner. Admittedly Dena Bank is a Nationalised Bank and it is a custodian and watch-dog of public money. The bank business is based mainly on trust and confidence. The petitioner workman worked as Clerk-cum-Cashier in Dena Bank and as Cashier he had been dealing with the public money. On account of the proved misconduct on the part of the petitioner, the Public have lost their confidence reposed on him as Bank employee. The workman is not worthy of the post which he occupied in the Bank as he utilised the public money for his selfish ends. Therefore, the petitioner is not entitled to continue in service as a Bank employee. In these circumstances, I am of the opinion that the punishment imposed on the petitioner is not disproportionate to the proved misconduct on the part of the petitioner.

11. In the light of my above discussion, I hold on point No. 1 that the action of the management of Dena Bank in dismissing the workman M. Laxminarayana Clerk-cum-Cashier is justified. The point is thus decided against the petitioner and in favour of the respondent.

12. Point-2 :—This point relates to the relief to be granted to the petitioner-workman. In view of my above finding on Point No. 1, the petitioner is not entitled to any relief in this reference.

13. In the result, an award is passed stating that the action of the management of the Dena Bank in dismissing Sri N. Laxminarayana Clerk-cum-Cashier w.e.f. 5-2-91 is justified and that the petitioner Laxminarayana is not entitled for any relief in this reference.

The reference is thus answered and the parties are directed to bear their costs in this reference.

Dictated to the steno-typist, transcribed by him, corrected by me given under my hand and the seal of this Tribunal this the 23rd day of December, 1995.

A. HANUMANTHU, Industrial Tribunal I

#### APPENDIX OF EVIDENCE

Witnesses Examined on either side

NIL

Documents marked for the Petitioner.

Before domestic enquiry by consent :

Ex. W1 Appeal dt. 26-10-90 of the Petitioner submitted to the Appellant Authority.

Px. W2 Proceedings dt. 1-12-90 of personal hearing in the matter of appeal No. 8/90 filed by N. Laxminarayana.

Ex. W3 Zonal Manager addressed a letter dt. 14-1-91 to Sri N. Laxminarayana enclosing the order of the Appellate Authority.

During enquiry in this Tribunal by consent

Px. W4 Xerox copy of the confidential letter dt. 9-2-85 addressed to the Regional Manager Madras by the Dy. General Manager-Zone-III.

Documents marked for the respondent by consent

Before the domestic enquiry :

Ex. M1 Charge Sheet dt. 20-1-89.

Ex. M2 Letter dt. 8-4-89 of the petitioner seeking 30 days time for offering explanation.



- Ex. M3 Enquiry proceedings from page 1 to 18.  
 Ex. M4 Exhibits ME2 to 19/12 in the Domestic enquiry.  
 Ex. M5 Written arguments submitted by the respondent to the Enquiry Officer in the Domestic Enquiry.  
 Ex. M6 Written arguments dt. 24-5-90 submitted by the petitioner to the Enquiry Officer in the domestic enquiry.  
 Ex. M7 Report dt. 30-5-90 of the Enquiry Officer.  
 Ex. M8 Show Cause notice of dismissal dt. 3-8-90.  
 Ex. M9 Proceedings dt. 31-8-90 of the Personal hearing in respect of proposed punishment.  
 Ex. M10 Order of dismissal dt. 22-9-1990.

During the enquiry in this Tribunal :

NIL

नई दिल्ली, 11 मार्च, 1996

का.आ. 1112.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार द्वारा औद्योगिक प्रबंधन के संबंध में नियंत्रकों और उनके कर्मचारियों के बीच, अन्तर्गत में निर्दिष्ट औद्योगिक विवाद में, केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एन-12012/221/91-आई.आर.(वीII)]

वी. के. शर्मा, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1112.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Bank of Maharashtra and their workman, which was received by the Central Government on 8-3-96.

[No. L-12012/221/91-IR (B-II)]

V. K. SHARMA, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(234)/1991

#### BETWEEN

Shri P. N. Golwalkar represented through the General Secretary, Union of Maharashtra Bank employees, 542, Congress Nagar, Nagpur (MS)-440012.

#### AND

The Regional Manager, Bank of Maharashtra, 39, Bhadkhade Marg, T.T. Nagar, Bhopal (MP)-462003.

#### PRESIDED IN :

Shri Arvind Kumar Awasthy.

#### APPEARANCES :

For Workman—Shri G. P. Gupta.

For Management—Shri K. Mahalingam.

INDUSTRY : Banking DISTRICT : Bhopal (MP)

736 GI/96-9

#### AWARD

Dated, the 23rd February, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/221/91-IR (B-I) dated Nil, for adjudication of the following industrial dispute. The reference was received in this Tribunal on 31-12-1991.

#### SCHEDULE

"Whether the action of the management of Bank of Maharashtra in imposing the penalty of stoppage of the increment and warning on Shri P. N. Golwalkar is justified? If not, to what relief is the workman entitled to?"

2. Admitted facts of the case are that the workman, Shri P. N. Golwalkar, is working as a Special Assistant in the Bhopal Branch of the Bank of Maharashtra and the workman was charged on 6-4-88 on the allegation of threatening, abusing and manhandling one Shri M. K. Jain, a co-employee of the workman; that seven charges were levelled against the workman and only three charges were held proved in the domestic enquiry. It is also not in dispute that the three charges held proved were regarding the allegation of abusing, threatening and manhandling Shri M. K. Jain. It is also the common ground that the workman was under suspension from 25-8-88 to 31-10-88; that vide order dated 12-5-89 the management has imposed the penalty of stoppage of one increment and treated the suspension as suspension for all purposes.

3. The workman has alleged that there is no material on the record to conclude that the delinquent employee has abused or threatened Shri M. K. Jain and the finding of the Enquiry Officer is not sustainable; that the action of the management of imposing the impugned penalty is illegal and unjustified.

4. The case of the management is that the domestic enquiry against the workman was conducted as per procedure and there was no breach of principles of natural justice in conducting the domestic enquiry; that the witnesses clearly stated against the workman of the use of abusive language and threatening and assaulting by the workman; that the charges are fully proved against the workman and the punishment is not against the degree of the misconduct by the workman; that the management has already taken lenient view in awarding the punishment.

5. Following are the issues in the case :—

#### ISSUES

- Whether the enquiry is just, proper and legal?
- Whether the management is entitled to lead evidence before this Tribunal?
- Whether the charges of misconduct are proved on the facts of the case?
- Whether the punishment awarded is proper and legal?
- Relief and costs.

6. Issue No. 1 and 2.—The workman has fully participated in the domestic enquiry and all the management's witnesses were cross-examined by him, the workman has availed full opportunity to defend his case. The domestic enquiry was just, proper and legal as held vide order dated 18-5-1995.

7. Issue No. 3.—Shri Mahendra Kumar Jain (MW-1) has stated that on 19-8-80 at about 11 a.m. when he was working in the Bank and went to the stationery room, the workman, Shri Golwalkar, stated abusing him and caught him from behind and he also slapped him. Shri Mahendra Kumar Jain (MW-1) has further stated that there was a crowd in the Bank and some of the employees came to his rescue. Vinod Kumar Kulkarni (MW-2) has stated that he asked Shri M. K. Jain (MW-1) to bring forms from the stationery room and after sometime he found Shri M. K. Jain weeping loudly and he was alleging that the workman, Golwalkar, has abused and assaulted him. Vinod Kumar Kulkarni (MW-2) has stated that when he

went inside the stationery room Shri Golwalkar admitted that he had threatened and slapped Shri M. K. Jain.

8. There is nothing in the cross-examination of the complainant, Shri M. K. Jain (MW-1) and V. K. Kulkarni (MW-2) to doubt the veracity of their version. From the perusal of the statement of witnesses, it is clear that the incident narrated by them was not unnatural. There is nothing on record to suggest that these witnesses were interested in falsely implicating the workman. The finding of the learned Enquiry Officer that the charges were proved against the workman is in accordance with the evidence on record. Consequently, Issue No. 3 is answered in favour of the management.

9. Issue No. 4 and 5.—It is held in case of State Bank of India Vs. Samendra Kishore Endow 1994 SCC (J&S) 687 that the imposition of the proportionate punishment is within the discretion and judgment of the Disciplinary Authority and the quantum of punishment should not be interfered with unless it is harsh. It is observed in case of Union of India Vs. Parmanand AIR 1989 (SC) P. 1185—(1989) SCC (L&S) P. 303 that the Tribunal should not casually interfere with the penalty awarded to the workman.

10. No doubt the power of the Tribunal in interfering with the quantum of punishment is not unlimited and only in case of arbitrariness or disproportionate punishment the Tribunal is entitled to interfere in the punishment.

11. Misconduct of the workman was highly derogative to the image of the Institution and it is necessary to impose required punishment to maintain the discipline among the rank and file of the bank employees. Management rightly alleges that it has taken lenient view in awarding the impugned punishment.

12. The action of the management of Bank of Maharashtra in imposing the penalty of stoppage of the increment and warning on Shri P. N. Golwalkar is held justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 11 मार्च, 1996

का.प्र. 1113.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार एफ सी आई के प्रबन्धन के संरक्षित नियोजकों और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[सं. एल-22012/319/एफ/92 आई आर (सी-II)]

राजा लाल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1113.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 7-3-1996.

[No L-22012.319/F/92-IR (C-II)]

RAJA LAL, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)  
Case Ref. No. CGIT/LC(R)(65)/1993

## BETWEEN

The General Secretary, F.C.I. Employees Congress,  
8/86, Sarita Complex, Near Bus Stop No. 5 Bhopal (MP).

## AND

The Senior Regional Manager, Food Corporation of India, Chetak Building, Maharana Pratap Nagar, Bhopal (MP).

## PRESIDED IN :

By, Shri Arvind Kumar Awasthy,

## APPEARANCES :

For Union—Shri R. B. Gautam.

For Management—Shri S. K. Mukerjee, Advocate.

INDUSTRY : FCI

DISTRICT : Bhopal (MP)

## AWARD

Dated, 1st February, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-22012/319/F/92-IR (C-II) dated 22-3-1993, for adjudication of the following industrial dispute :—

## SCHEDULE

"Whether the action of the management of Food Corporation of India in denying incentive bonus to the employees acquiring the Degree in Journalism during the course of their services is legal and justified? If not, to what relief are such workmen entitled to?"

2. Admitted facts of the case are that the Food Corporation of India decided to introduce Incentive Scheme for employees requiring additional qualification. It is also not in dispute that the Head Quarter of the Food Corporation of India, Delhi, vide Circular No. 19/88 dated 1-7-88 included Diploma in Journalism as a qualification for the grant of incentive.

3. The case of the workman is that he has passed the Degree in Journalism from Pt. Ravi Shankar Shukla university, Raipur, but the management has refused to grant him the incentive increment.

4. The case of the management is that as per Head Quarters Instructions Degree in Journalism is not included in the list of qualification for grant of incentive increments and as such workmen are not eligible for grant of incentive increments under the Incentive Scheme.

5. Terms of reference was made the issue in the case.

6. Parties have admitted documents and have not led any evidence.

7. It is not in dispute that the Diploma in Journalism is included in the Circular dated 1-7-88 for grant of incentive increments. I see no justification in not granting the incentive increments to workmen who have better qualification (Degree) than Diploma in Journalism. It is a clear case of retardation and beats one's mind that when the Circular provides incentive increment to Diploma Holders, such benefits be denied to the persons having better qualification i.e. Degree in Journalism. The spirit and the purpose of the Incentive Scheme is violated by the management by not granting the incentive increments to those who have Degree in Journalism. The management has not taken any other ground of rejection of the incentive increment to the workmen except as per circular Degree in Journalism is not recognised and only the Diploma in Journalism is recognised for the grant of incentive increment.

8. The ground of rejection of the increment taken by the management is untenable as it is against the spirit and the purpose of granting incentive increments under the Incentive Scheme.

9. Consequently, it is held that the action of the management in denying incentive bonus to the workmen acquiring the Degree in Journalism during the course of their service is illegal and unjustified. Reference is answered in favour of the workman.

Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली 11, मार्च, 1996

का.आ. 1114.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ सी आई के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[सं. एल-22012/271/एफ/92-आईआर (सी-II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1114.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure in the industrial dispute between the employers in relation to the management of F.C.I. and their workmen, which was received by the Central Government on 7-3-1996.

[No. L-22012/271/92-IR (C-II)]  
RAJA LAL, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 2/93

In the matter of dispute :

#### BETWEEN

The President, FCI Employees Congress,  
FCI, 8th Floor, Ansal Bhawan, New Delhi,

Versus

The Zonal Manager, FCI,  
K.G. Marg, Ansal Bhawan,  
New Delhi-110001.

#### APPEARANCES :

None—for the workman.

Shri L. S. Sharma—for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-22012/271/92-IR (C-II) dated 28-12-92 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Zonal Manager, FCI New Delhi, was justified in imposing the penalty of stop-

page of one increment of pay without cumulative effect to Shri Kishan Sarup Garg, Technical Asstt. Grade I against the principles of natural justice and imposing penalty with vindictive attitude ? If not, to what relief the workman concerned is entitled to ?"

2. None appeared for the workman on three consecutive dates. However, the management appeared and examined Shri S. P. Upreti District Manager who filed affidavit Ex. MW-11. In view of this situation no evidence has been led by the workman and there is no reason to disbelieve the evidence given by the Management in the form of affidavit and also on oath in the court. I, therefore, held that the action of the management in imposing the penalty of stoppage of one increment with cumulative effective on the applicant was justified. Parties to bear their own costs. Dated : 6th February, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 11 मार्च, 1996

का.आ. 1115.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इन्ड्यूसी एन के प्रबन्धनत्व के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[सं. एल-22012/420/91-आईआर (सी-II)]  
राजा लाल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1115.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure in the industrial dispute between the employers in relation to the management of W.C. Ltd. and their workman, which was received by the Central Government on 7-3-1996.

[No. L-22012/420/91-IR (C-II)]  
RAJA LAL, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)  
Case Ref. No. CGIT/LC(R)(111)/1992  
BETWEEN

Shri Ramsuram and others represented through the General Secretary, B.K.K.M.S. (BMS) P.O. Parasia, District Chhindwara (MP).

AND

The Deputy Chief Mining Engineer, Shivpuri Group of Mines, W.C.L. P.O. Sirgera via Parasia, District Chhindwara (MP).

#### PRESIDED IN :

Shri Arvind Kumar Awasthy.

#### APPEARANCES :

For workman—Shri Y. K. Karde.

For Management—Shri A. K. Shashi, Advocate.

INDUSTRY : Coal Mines DISTRICT : Chhindwara (MP)

## AWARD

Dated, the 23rd February, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-22012/420/91-IR (C-II) dated 15-6-1992, for adjudication of the following industrial dispute :—

## SCHEDULE

"Whether the action of the management of Dy. Chief Mining Engineer of Shivpuri Group of Mines of

W.C. Ltd. Pench Area, P.O. Sirgona, Via Parasia, Dist. Chhindwara (M.P.) in not correcting the date of birth of Shri Ramsuratram S/o Prahladram, Fitter Helper, Shivpuri Underground Mine and seven others without giving any consideration to their date of birth as recorded in their respective Sch. of Leaving Certificates as per details given in the Annexure is justified and proper? If not, to what relief the concerned workmen are entitled to?"

## ANNEXURE

Sl.	Name of worker	Father's name	Designation	Unit	Date of birth as recorded in Coy's record	Date of birth as recorded in school Leaving Certificate
1.	Shri Ramsuratram	Prahaladram	Fitter helper	Shivpuri U/G Mine	1938	1-1-46
2.	Shri Purushottam	Khulshan	Chowkidar	Shivpuri O/C Mine No. 1	1-7-40	1-1-50
3.	Shri Girdhari	Mukandi	T. Mistry	Shivpuri U/G Mine	1-7-26	25-9-37
4.	Shri ramdas	Ramniranjan	Fitter Helper	-do-	1-7-45	1-7-49
5.	Shri Sadanand	Kadamlal	Operator	Shivpuri O/C Mine No. 1	1939	17-5-53
6.	Shri Hamlat	Dudhnath	Mason Mistry	Shivpuri U/G Mine	1938	2-10-53
7.	Shri Ramullash	Sugga	E.P. Operator	Shivpuri O/C Mine No. 1	1-7-1937	10-7-1948
8.	Shri Laxmi Gupta	Bjagwat	Operator	Shivpuri O/C Mine No. 1	1-7-1940	17-6-1954

2. Reference was received in August, 1992. Thereafter parties were noticed to file the pleadings and documents. But the parties did not file the rejoinder and documents. On 8-2-1996 parties appeared and filed the Settlement duly arrived at in the month of December, 1995. Terms of the Settlement are as under :—

## TERMS OF SETTLEMENT

1. It is agreed by the Management that the case of (1) Shri Ramlot S/o Deepchand (2) Shri Ramhulash S/o Sagar (3) Shri Laxmi Gupta S/o Nizawat (4) Sri Ramsurat S/o Prahlad (5) Shri Sadanand S/o Kundanlal will be referred to Area Medical Board within a month from the date of settlement for determination of their Age/Date of Birth after examination.
2. It is agreed by the Management that the result/decision of the Area Medical Board will be conveyed to all concerned within a month from the date of Medical Board.
3. It is agreed by the Union to withdraw the case relating to (1) Shri Purosttam S/o Khulshan (2) Shri Girdhari S/o Mukundi (3) Shri Ramdas S/o Ramniranjan.
4. It is agreed by the parties that the decision of the Area Medical Board will be final and binding on both the parties.
5. The parties agreed to file this compromise settlement before C.G.I.T. Jabalpur and request for a consent award in terms of the Settlement.

6. This settlement shall be treated as full and final settlement of the dispute and the union/workmen will not raise any further dispute relating to this issue individually or through any union at any forum. This settlement shall not be treated as precedence in any other case.

3. The aforementioned terms of settlement are just and fair and in the interest of the workmen concerned. Award is passed in terms of the Settlement. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 11 मार्च, 1996

का.आ. 1116.—औद्योगिक विवाद समिति, 1947 (1947 का 14) को प्राप 17 के प्रमुखता से केन्द्रीय सरकार के बीच, अनुबंध से निर्दिष्ट औद्योगिक विवाद से केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एन-41012/15/89-आई आर बी-1]  
पी. जे. साईकल, डैस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1116.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Railway and their workman, which was received by the Central Government on the 8th March, 1996.

[No. L-41012/15/89-IRBI]  
P. J. MICHAEL, Desk Officer.

## ANNEXURE

BEFORE SHRI GANPATI SHARMA: PRESIDING  
OFFICER: CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL: NEW DELHI

I. D. No. 118/89

In the matter of dispute between :  
Shri Sahib Singh through  
The Divisional Secretary,  
Paschim Railway Karamchari Parishad,  
Infront of Bank of Bikaner and Jaipur,  
Kota Jn.

Versus

The Senior Accounts Officer,  
Wagon Repair Shop,  
Western Railway,  
Kota.

APPEARANCES : Shri A. D. Grover for the Workman.  
Shri Manoranjan Saha, Sr Section Officer for the  
Management.

## AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41012/15/89-D-2(B) dated 8-1-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Sr. Account Officer, Wagon Repair Shop, Eastern Railway, Kota by terminating the services of Sh. Sahib Singh w.e.f. 8-3-83 is justified? If not, what relief the workman entitled to?"

2. The workman in his statement of claim alleged that he was engaged as a casual labour from 2-9-86 by the Senior Accounts Officer, Wagon Repair Shop Kota and continued as such upto 7-3-1988. He was not taken on duty from 8-3-88. He had completed more than 240 days service in preceding 12 months from the date of his illegal retrenchment as per service record produced by him during the conciliation proceedings. It was obligatory for the management to pay the retrenchment compensation together with notice pay but neither the retrenchment compensation nor notice pay was paid to him. The retrenchment was, therefore, illegal with violation of provisions of the I.D. Act read with relevant rules.

3. In written statement the management alleged that the applicant was a casual labour and engaged for serving water during summer season. Since there were no funds so his services had to be discontinued. It has further been alleged that he was entitled to payment of Rs. 459 as retrenchment benefit and the same was passed on 20-4-88 but unfortunately was given to the wrong person of identical name in the shop by the pay check. A fresh Pay order was then passed on 12-12-88 but the workman did not turn up to receive the same.

4. The Management examined Shri Devi Lal MW1 and the workman himself appeared as WW1 in support of his case. I have heard representatives for the parties and have gone through the record. The only point urged by the management in this case was that retrenchment compensation was paid to the workman wrongly as the earlier payment was made to a wrong person by mistake of the clerk. Therefore, it is not disputed that payment of retrenchment compensation was required to be made to the workman and

the same was not paid to him at the time of retrenchment nor any notice or notice pay was paid to him. During the course of arguments. The management representative also made a statement that the services of the workman were retrenched from 3-3-88 but the compensation was not paid to him and the same was sanctioned on 8-12-88. In view of this situation, I am of the opinion that there is a clear cut violation of section 25-F of the I.D. Act and the requirement of law were not complied with. I, therefore, order that the retrenchment was illegal and not justified. The workman was entitled to be reinstated from the date of his retrenchment. There is, however, no evidence on record that the workman remained unemployed throughout and for so many years one cannot remain unemployed. I, therefore, do not allow him any back wages but order that he shall be given seniority from the date of his retrenchment and shall be employed in that position from where he was retrenched. The management shall also pay a cost of Rs. 3000 to the workman.

GANPATI SHARMA, Presiding Officer  
19th January, 1996.

नई दिल्ली, 11 मार्च, 1996

का.अ. 1117.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुवर्ण में, केन्द्रीय सरकार निम्नलिखित क्षेत्रीय ग्रामीण बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, आशुबंध में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जवनपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एल-12012/63/92-आई आर बीआई]  
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1117.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Nimar Kshetriya Bank and their workman, which was received by the Central Government on the 8-3-96.

[No. L-12012/63/92-IR(B-31)]  
P. J. MICHAEL, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)  
CASE REF. No. CGIT/LC(R)(144)/1992.

## BETWEEN

Shri Sudhir Kumar Gupta, 62, Matampura, Mhammed  
Patel Marg, Khandwa (MP)-50001.

## AND

The Chairman, Nimar Kshetriya Gramin Bank, Head  
Office no. 4, Nutam Danga Colony, Khargaon  
(MP) 451001.

PRESIDED IN : By Shri Arvind Kumar Awasthy.

## APPEARANCES :

For Workman : Shri P. N. Sharma.

For Management : Shri S. K. Mukherji Advocate.

INDUSTRY : Banking DISTRICT : Khanudwa (MP)  
AWARD

Dated, the 15th February, 1996

नई दिल्ली, 11 मार्च, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/63/92-IR(B-3) Dated 30-6-1992, for adjudication of the following industrial dispute :—

## SCHEDULE

"Whether the action of the management of Nimar Kshetriya Gramin Bank in dispensing with the services of Shri Sudhir Kumar Gupta w.e.f. 31-5-86 is justified? If not, to what relief the concerned workman is entitled to?"

2. Admitted facts of the case are that the workman was employed by the Chairman of the Bank and he worked from 1-6-84 to 31-5-86. It is also admitted that the retrenchment compensation and notice was not given to the workman before terminating the service of the workman.

3. The case of the workman is that his services were terminated without giving notice and compensation; that the management has violated the principles of last come first go; that the management has violated the provisions of Sec. 25F & G of the I.D. Act and as such the workman is entitled for reinstatement with full back wages.

4. The case of the management is that the Tribunal has no jurisdiction to deal with the dispute as the workman was an officer and not covered by the definition of Sec. 2(s) of the I.D. Act. The management has alleged that the workman was on probation for two years and the services of the workman were terminated under contract and in accordance with the terms of appointment.

5. The preliminary issue was framed whether the petitioner was a workman under Sec. 2(s) of the Industrial Disputes Act?

6. Workman and the management filed the affidavit on the said issue.

7. It is clear from the appointment order of the workman and from para 4 of the statement of claim that the workman was designated as an officer. The workman has not stated in his affidavit about the nature of duties he was performing during the period of his employment. As against this, from Annexure NA. 3 to NA. 9 and from the affidavit of Shri R. C. Agarwal, Chairman of the Bank it is clear that the workman was writing monthly progress report of his staff, sanctioning the leave, loans and supervising the working of the staff. It is further clear that the workman was incurring and sanctioning entertainment expenses as Manager and he was controlling office and used to exchange correspondence as an officer.

8. It is settled law, an officer is generally invested with the power of supervision and control in transaction to the statutory type of work done by the workman. It is observed in case of Anand Bazar Patrika Vs. Its workman-1969-II-JLJ p. 607 at page 671(SC) that the main and principal duties carried by the petitioner is the decisive factor to decide whether he was working mainly in supervisory capacity. No doubt, it is pre-eminently a question of fact and from the nature of duties performed by the workman and from the letter of his appointment, it is clear that the workman was an officer and not a workman under Sec. 2(s) of the Industrial Disputes Act.

9. Consequently, it is held that Shri Sudhir Kumar Gupta was not a workman under Sec. 2(s) of the I.D. Act and the Tribunal has no jurisdiction to decide the justification of the termination of service by the impugned order dated 31-5-86. Reference is accordingly answered against the workman. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नं. प्रा. 1118.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रिय सरकार स्टेट बैंक ऑफ इन्दौर के प्रबन्धन के संयुक्त निरीक्षकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रिय सरकार औद्योगिक अधीकरण, जबलपुर के पंचवट को प्रकाशित करता है, जो केन्द्रिय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एन-12012/181/89-आईआरबी आई]  
पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1118.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur as shown in the Annexure, in the industrial dispute between the employers and their workman, which was received by the Central Government on the 8-3-1996.

[No. L-12012/181/89-IR(B-1)]  
P. J. MICHAEL, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)  
CASE REF. No. CGIT/LC(R)(209)/1989

## BETWEEN

Shri Sarwar Ali Jaidi S/o Munfat Ali Jaidi, 14 Mahow-  
Neemuch Road. In front of India Petrol Pump,  
Ratlam (M.P.).

## AND

Regional Manager, State Bank of India, Regional Office,  
163, Kanchanbagh, Indore (MP).  
PRESIDED IN : By Shri Arvind Kumar Awasthy.

## APPEARANCES :

For workman : Shri J. S. Shah.  
For Management : Shri J. M. Modi.

INDUSTRY : Banking DISTRICT : Indore (MP)

## AWARD

Dated, the 22nd February, 1996

This is a reference made by the Central Government, Ministry of Labour, vide its Notification No L-12012/181/89-IR(B-3) Dated 16th October, 1989, for adjudication of the following industrial dispute :—

## SCHEDULE

"Whether the action of the management of the State Bank of Indore, Indore, in not providing employment to Shri Sarwar Ali Jaidi S/o Munfat Ali Jaidi, Clerk, after the 13-2-80 (Date of termination) and whether his termination, is justified? If not to what relief the workman is entitled for?"

2. The case of the workman is that he has worked in B. Guwar Branch of the State Bank of Indore as a temporary clerk on 17-1-80 to 13-2-80 and the management has illegally terminated his service; that the workman was employed against the permanent post. The workman has claimed reinstatement with full back wages.

3. The case of the management is that the workman was appointed purely on temporary basis and the service of the workman was terminated as per terms of the appointment letter; that the workman has not completed 240 days of work and no right is created in favour of the workman of his absorption in the Bank. Management has further alleged that the workman has raised the dispute after almost eight years of the termination of his service; that the management has denied that the workman was posted against the permanent post and it is alleged that the workman was employed for disposing of the temporary increase in the work.

4. Terms of reference was made the issue in the case.

5. Workman has not examined himself nor he has adduced any evidence.

6. It is not in dispute that the workman was employed temporarily and he has worked only for 23 days on temporary basis. There is no evidence that the termination of the workman was against the terms of contract.

7. The Hon'ble High Court of Madhya Pradesh in Petition No. 4908/89 vide order dated 13-7-94 has observed that the termination of the services of the temporary employee after the expiry of the terms of contract of appointment is not a retrenchment and he is not entitled for re-employment, the management has not violated the terms of contract and the action of the management is no malafide.

8. Action of the management of the State Bank of Indore in not providing employment to Shri Sarwar ali after 13-2-80 is held justified. Reference is answered in favour of the management. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 11 मार्च 1996

का.आ. 1119 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के संघट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एन-11012/154/92—आईआरबी]

पा. जे. माईकल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1119.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the Management of N. Rly. and their workman, which was received by the Central Government on the 8-3-96.

[No. L-41012/154/92-IRB]

P. J. MICHAEL, Desk Officer

ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 91/94

In the matter of dispute between :

Shri Daya Ram Shri Ram Sumer,  
r/o T&E, 27/Z. Block Railway Quarter,  
Hamilton Road, Delhi.

Versus

General Manager,  
Northern Railway,  
Baroda House,  
New Delhi-110001.  
Senior Civil Engineer (Nirman),  
Northern Railway, Shakurbasti  
Delhi-110034.

APPEARANCES :

None for the workman.

Shri H.L. Nanda for the Management.

AWARD

The Central Government in the Ministry of Labour vide its Order No. L-42012/154/92-I.R. dated 29-7-94 has referred the following industrial dispute to this tribunal for adjudication :—

"Whether the Dy. Chief Engineer (Construction), Northern Railway, Shakurbasti, is justified in terminating the services of Shri Daya Ram ? If not, to what relief he is entitled to ?"

2. In spite of notices having been sent to the workman none appeared for 8 to 9 dates fixed in this case and notices were sent by registered A.D. also. In view of this situation, it appears that the workman is not interested in conducting this dispute and no dispute award is given in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer  
2nd February, 1996.

नई दिल्ली, 11 मार्च, 1996

का.आ. 1120 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार शारदा ग्रामीण बैंक के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के संघट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एन-12012/35/89—आईआरबी]

पा. जे. माईकल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1120.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sharda Gramin Bank and their workman, which was received by the Central Government on the 8th March, 1996.

[No. L-1201235/89-IRB]

P. J. MICHAEL, Desk Officer

## ANNEXURE

IN THE CENTRAL GOVERNMENT, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
JABALPUR (MP)

Case Ref. No. CGIT/LC(R)(206)/1989

## BETWEEN

Shri Jai Prakash Gupta, Clerk-cum-Cashier  
via Shri B.S. Bisen, Advocate, Mukta-  
yar Ganj, Satna (MP)-485001.

## AND

The Chairman, Sharda Gramin Bank, Diver-  
sion Road, Satna (MP)-485001.

## PRESIDED IN :

By Shri Arvind Kumar Awasthy.

## APPEARANCES :

For Workman : Shri B.S. Bisen, Advocate.

For Management : Shri R.C. Srivastava, Ad-  
vocate.

INDUSTRY : Banking DISTRICT : Satna (MP).

## AWARD

Dated : 1. February, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/35/89-IR.Bank. I, dated 16th October, 1989, for adjudication of the following industrial dispute :—

## SCHEDULE

"Whether the action of the management of Sharda Gramin Bank, Satna in not considering Shri Jai Prakash Gupta, Clerk-cum-Cashier for the post of Field Supervisor is justified. If not, to what relief the workman concerned is entitled ?"

2. Admitted facts of the case are that the workman, Jai Prakash Gupta, was appointed as Clerk-cum-Cashier in the month of October, 1980. It is the common ground that on 10-11-87 seventeen candidates were called for the promotion for the post of Supervisor and the workman, J.P. Gupta, was sixth in the seniority list; that the workman, J.P. Gupta, was not promoted to the post of Field Supervisor and all the five seniors and 8 juniors from the list were promoted. It is also not in dispute that the proportion for the post of Field Supervisor was on the basis of seniority-cum-merit.

3. The case of the workman is that the record of the workman was clean and the adverse remarks in his Confidential Report were never communicated to him, that the action of the management in not promoting the workman was actuated with malice

that no reasons whatsoever were assigned for not promoting the workman. The workman has claimed for his promotion for the post of Field Supervisor and the consequential benefits.

4. The case of the management is that the work-and conduct of the workman was highly unsatisfactory and his Confidential Reports were adverse; that the increment of the workman for one year was withheld with effect from 9-1-84 for committing the misconduct of misappropriation of Rs. 400/-. Management has further alleged that the promotion is primarily the prerogative of the management and in view of the assessment of the record of the workman, the promotion of the workman was denied. The management has further alleged that adverse entries in the Confidential Report were communicated to the workman.

5. Terms of reference was made the issue in the case.

6. Management has examined Santosh Singh (M.W. 1) and Santosh Saxena (M.W. 2) and the workman has examined himself.

7. Santosh Singh (M.W. 1) has stated that the Confidential Report (Ex. M/19) dated 30-6-87 was written by him and Santosh Saxena (M.W. 2) has stated that the Branch Manager wrote the confidential report of the workman (Ex. M/19) and he had secretized the confidential report Ex. M/19.

8. From the confidential report of the workman, it is clear that the adverse remark was there against his inefficiency, uncontrolled for behaviour and regarding doubtful integrity. Workman has alleged that the adverse entries in the confidential report were not communicated to him. Management has not produced any evidence to show that the adverse entries in the confidential report was communicated to the workman. Consequently, adverse entries in the confidential report Ex. M/19 cannot be taken into consideration for deciding the fitness of the promotion of the workman.

9. The workman has admitted the allegation of the management that the departmental enquiry was held against him on the allegation of making over payment.

10. From the letter Ex. M/1 filed by the management, it is clear that the allegation against the management was that he has committed embezzlement on the basis of forged passed bill. It is not in dispute that the annual increment of the workman was withheld for the alleged misconduct vide order dated 9-1-84.

11. From the letter Ex. M/6, it is clear that the workman was reprimanded for the lapse in his work and he was directed to take the required interest in his duty and to observe the discipline. The workman, J. P. Gupta (D.W. 1) has admitted



that the management gave him the letters Ex. M|9 and Ex. M|11 and Ex. M|13 and he gave the reply of these letters marked Ex. M|10, Ex. M|12 and Ex. M|14 respectively. From the correspondence marked Ex. M|8 to Ex. M|14, it is clear that the management was dissatisfied with the conduct and the behaviour of the workman in the relevant year 1984 and the management had directed him to improve his work.

12. The settled law is that in absence of malafide or victimization or unfair labour practice normally the matter of promotion must be left to the discretion of the management. Workman has not proved that the action of the management in not promoting him was actuated with malice; arbitrariness in promotion is also not proved.

13. It is held in case of All India R.B.I. Employees Assn. Vs. Reserve Bank of India AIR 1966(SC)305 = 1965-II-LLJ p. 175) that if the employer uses his discretion bonafide, it is not for the tribunal to evaluate the respective merits or interfere in the order of promotion. The promotion to higher post usually evolves the process of selection from out of those eligible and comparative merit which includes initiative, efficiency, personality which have to be taken into consider. The management is the best judge of his department and as such it is observed in the case of Hindustan Lever Ltd. Vs. Workman AIR 1974 SC. 17 = 1974-I-LLJ 94 that the Tribunal should not interfere in promotion unless the power has been improperly exercised. There is no evidence to show that the management arbitrarily exercised its power in not promoting the workman, Jai Prakash Gupta, and as against this there is evidence on record to show that the discretion of the management was based on the alleged facts on record.

14. Consequently, it is held that the action of the management in not considering Shri Jai Prakash Gupta for the post of Field Supervisor was not unjust or improper. Reference is answered in favour of the management.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 11 मार्च, 1996

का.आ. 1121:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबन्धन में संबद्ध नियोक्तों और उनके कामकाजों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में विवाचक, श्री ए. प्रभाकर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार की 3-3-96 को प्राप्त हुआ था।

[संख्या एन-12012/166/95-आईआरबी आई]

पी० जे० माईकल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1121.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Arbitrator Sh. A. Prabhakar, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workman, which was received by the Central Government on 6th March, 1996.

[No. L-12012/166/95-IRBI]

P. J. MICHAEL, Desk Officer

### ANNEXURE

ARBITRATION AWARD IN THE INDUSTRIAL DISPUTE BETWEEN THE MANAGEMENT OF STATE BANK OF INDIA, ZONAL OFFICE TIRUPATHI AND THEIR WORKMEN SHRI Y. RAJAMANNER, EX-SUB-STAFF OF S.B.I., NELLORE REGARDING REIN-STATEMENT OF HIS SERVICES

A. PRABHAKAR

ARBITRATOR

&

REGIONAL LABOUR COMMISSIONER  
(CENTRAL)

Government of India, Ministry of Labour,  
ATI Campus, Vidyanagar-P.O., Hyderabad-7.

### PARTIES PRESENT

On behalf of the Management :

1. Shri M. S. Chandrasekhara Rao,  
Chief Manager (Personnel),  
State Bank of India,  
Zonal Office,  
Tirupathi-P.O.  
Chittoor-Dist. A.P.
2. Shri P. Mahaboobkhan,  
Dy. Manager (P),  
State Bank of India,  
Zonal Office,  
Tirupathi-P.O.

On behalf of the Workman :

Shri Y. Rajamanner  
workman himself.

### AWARD

The Government of India, Ministry of Labour, New Delhi vide its Notification No. L-12012/166/95-IRBI dated the 4th August, 1995 referred the Industrial Dispute between the management of State Bank of India, Zonal Office, Tirupathi-P.O., Chittoor-Dist. (A.P.) and its workman Shri Y. Rajamanner, Ex-sub-staff (hereinafter referred to as "Workman" for brevity) regarding alleged illegal termination of his service for my Arbitration.

Hearing the above matter was held on 22-11-1995, 27-12-1995 and finally on 12-2-1996 at the office of the Regional Labour Commissioner (Central), Hyderabad-500007.

The only issue in the dispute is as to whether the services of Shri Y. Rajamanner, Ex-Sub-Staff were illegally terminated by the management of State Bank of India or not.

During the course of hearing, the employee concerned stated that he was working as temporary sub-staff since 13-7-1982 continuously with artificial breaks in service for a period of 2 to 3 months every year. The workman further stated that as per the Branch Manager certificate of temporary service dated 17-2-88 that he had worked—

- (i) for 89 days w.e.f. 3-7-82 to 10-12-82 in the year 1982.
- (ii) for 89 days w.e.f. 3-1-83 to 27-4-83 in the year 1983.
- (iii) for 63 days upto 10-2-84 in the year 1984.

Thus he had put in 240 days upto 10-2-1994. As per the Banks existing instructions all the temporary staff were to be paid the wages for the weekly off which came in between whereas the workman was not paid the wages till January, 1995 for the reasons best known to the management of State Bank of India, Town Branch, Nellore and he was paid 13 weekly off wages on 18-2-1995. The management did not calculate the weekly off for the year 1982.

As per the certificate of temporary service issued by the Chief Manager, State Bank of India, Nellore Town, Nellore dated 27-6-94 that the workman had worked for 253 days from 13-7-82 to 10-2-84 wherein the weekly off for the year 1982 has not been included. The management of State Bank of India has regularised the services of temporary sub-staff who have put in 257 working days upto 1984. In case the weekly off for the year 1982 are added to his total number of days worked, he would have been regularised in the year 1986 alongwith other workmen.

The workman stated that though there were clear vacancies of sub-staff in Nellore-Dist., he was given artificial breaks in service so that he could not claim regularisation of his services. As such he requested the Authority to regularise his services with retrospective effect.

During the course of hearing, the representative of the management stated that it is true that the Chief Manager, State Bank of India, Nellore had issued certificate of temporary service dated 27-6-1994. As per this certificate, Shri Y. Rajamanner had worked for 253 days from 3-7-1982 to 10-2-1984 wherein the weekly off for the year

1982 had not been included. The management stated that the such records are to be destroyed in a period of 5 years as per the existing practice instructions as such it is very difficult to find out the weekly off for the year 1982 at this stage. Further the representative of the management stated that the regularisation of temporary sub-staff would depend upon the performance of the individual workers in the interview. In the year 1986, about 28 candidates from Nellore town were called for interview wherein the workman also attended to the interview but he was not selected by the Board.

Further the management stated that more working for a certain number of days as a temporary messenger does not automatically entitle a temporary employee for permanent absorption. In consultation with the recognised union, the Bank prescribed a procedure for considering the cases of temporary employees who were having aggregate temporary service of not less than 90 days. Accordingly the eligible candidates were called for interview in the year 1986. A settlement has been entered into on 17-11-1987 in between the management of State Bank of India and their workmen representatives of State Bank of India Staff Federation regarding absorption of temporary employees. In terms of the said settlement, the petitioner had submitted his application. He was interviewed in the year 1989 and this time he was found suitable for permanent absorption. As such his name had been empanelled in the wait-list which has been prepared in the descending order according to the length of temporary service rendered by the candidates. The offer of appointment has to be made to the candidates strictly in the order in which their names figure in the waiting lists as and when the vacancies arise. Accordingly appointments were made from the wait-list upto the year ended 31-3-1994. Due to difference in understanding in the implementation, the vacancies for the year ended 31-3-1995 could not be filled up. The Staff Federation had raised a dispute in this regard before the Regional Labour Commissioner (Central), Hyderabad. As per the understanding reached before the Regional Labour Commissioner (Central), Hyderabad, the management of State Bank of India at apex level has released instructions to all the Circles to fill up 2,000 vacancies, in aggregate. Now the turn of the petitioner also came and he has been offered appointment now. Accordingly the employee concerned has been appointed vide letter No. F-26 dated 20-12-1995.

During the course of hearing held on 12-02-1996, Shri Y. Rajamanner i.e., workman who is involved in the dispute stated that he has been appointed as Messenger with effect from 20-12-1995 on regular basis. As such the employee wanted to withdraw the petition filed against the management and also to close the Arbitration

Proceedings pending before the Arbitrator and the Regional Labour Commissioner (Central), Hyderabad.

In view of the permanent absorption of the employee concerned in the Bank and request from the both the parties i.e., the management of State Bank of India, Regional Office, Tirupathi and the workman, the proceedings are hereby closed.

Considering the above as fair, reasonable, and just, I give my award accordingly. Given under my hand on this 22nd day of February, 1996.

[File No. 7/36/94-BI]

A. PRABHAKAR, Arbitrator and Regional Labour Commissioner (Central)

Parties to the dispute and their addresses :

1. The Chief Manager,  
State Bank of India,  
Zonal Office,  
P.O. Tirupathi,  
Chittoor-Dist. (A.P.).
2. Shri Y. Rajammanar,  
Sub-Staff,  
State Bank of India,  
Somasilla-P.O.,  
Nellore-Dist. A.P.

नई दिल्ली, 11 मार्च, 1996

का.आ. 1122:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अन्वय में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अन्वय में निम्नलिखित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचवट को प्रकाशित करती है, जो केन्द्रीय सरकार को 8-3-96 को प्राप्त हुआ था।

[संख्या एन-12012/65/89—आईआरबी आई]

पी. जे. माइकल, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1122.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Jabalpur, as shown in the Annexure, in the industrial dispute between the employers in relation to the management to SBI and their workman, which was received by the Central Government on the 8th March, 1996.

[No. L-12012/65/89-IRBI]  
P. J. MICHAEL, Desk Officer

## ANNEXURE

### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (MP)

CASE REF. NO. CGIT/LC(R)(213)/1989

### BETWEEN

Shri Hariram Sen S/o Chotelal, Kishoregunj Mohalla, near the Temple of Bade Ganeshti, Post Panna, District Panna (MP)

### AND

The State Bank of India, Regional Manager, Region No. 3, Regional Office, Civic Centre, Marhatal, Jabalpur (MP).

### PRESIDED IN :

By Shri Arvind Kumar Awasthy.

### APPEARANCES :

For Workman : Shri S.K. Rao, Advocate.  
For Management : Shri R. Maindidutta Advocate.

INDUSTRY : Banking DISTRICT : Jabalpur (MP).

### AWARD

Dated : February 12, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-12012/65/89-IR(B-3) dated 12-10-1989, for adjudication of the following industrial dispute :

### SCHEDULE

“क्या भारतीय स्टेट बैंक, जबलपुर (मध्य प्रदेश) के प्रबंधकों द्वारा श्री हरीराम सेन आत्मज छोटेलाल सेन, सब स्टाफ (संदेश वाहक) की सेवाएं दिनांक 8-11-88 से समाप्त करने की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित कर्मकार किस अनुलोप का हकदार है।”

Admitted facts of the case are that the workman, Hariram Sen, was appointed on the post of Messenger-cum-Watchman on 1-1-1975. It is not in dispute that the workman was asked to perform his duties at Kakkarahati Branch of the State Bank of India at Panna; that the service of the workman was terminated with effect from 8-11-1988.

3. The case of the workman is that he has continuously worked from 1-1-1975 to 8-11-1988; that the services of the workman were illegally terminated with effect from 8-11-88 without complying the provisions of Sec. 25F of the I.D. Act. The workman has claimed reinstatement.

4. The case of the management is that the prescribed age limit for recruitment is 26 years;

that at the time of the keeping the workman as a temporary Messenger and Watchman, the workman's age was 29 years; that the retrenchment compensation was also given to the workman which was sent by cheque and the required notice under Sec. 25F of the Act was also given to the workman; that the workman has not accepted the retrenchment compensation of Rs. 2973.05; that the Bank conducted interview for permanent absorption to all persons in temporary service of 90 day and the applicant was not found eligible for permanent absorption.

5. Terms of reference was made the issue in the case.

6. From the statement of Shri H. C. Gajbhaiye, Officer of the State Bank of India, it is clear that the age of the workman in the year 1975 was 29 years and his age was three years more than the prescribed age limit of 26 years; that the services of the workman were terminated by giving him notice and sending him the retrenchment compensation by Cheque Rs. 2923.05. Consequently, it is clear that the termination of the workman is in accordance with the provisions of Sec. 25F of the I.D. Act. However, it is clear from the statement of Shri H. C. Gajbhaiye that the workman was employed as a temporary Messenger and he was not found eligible for permanent absorption in the interview & as he was over age at the time of his initial engagement on daily wages. Consequently, termination of a temporary employee after giving him due opportunity to appear in an interview is justified.

7. Workman has led no evidence to prove the facts alleged in the statement of claim.

8. Consequently, the action of the management in terminating the service of the workman with effect from 8-11-1988 is justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 11 मार्च, 1996

का.आ. 1123:—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आर्डनेन्स फैक्ट्री के प्रबन्धतंत्र के सम्बन्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था

[संख्या एल-14011/7/91-आईआर (जी यु)]  
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1123.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Ordnance Factory and their workman, which was received by the Central Government on 7-3-1996.

[No. L-14011/7/91-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT.  
JABALPUR (M.P.)

Case Reference No. CGIT/LC(R)(247)/1992

#### BETWEEN

Shri Doodh Nath Singh,  
President,  
Ordnance Factory Khamaria Workers  
Union,  
48/7, New Type-I, Khamaria,  
Jabalpur (MP)-482001.

#### AND

The General Manager,  
Ordnance Factory,  
Khamaria,  
Jabalpur(MP)-482001.

#### PRESIDED IN :

By Shri Arvind Kumar Awasthy.

#### APPEARANCES :

For Workman : Shri Doodh Nath Singh.

For the Management : Shri B.Da'Silva, Advocate.

INDUSTRY : Ordnance Factory      DISTRICT :  
Jabalpur (MP)      Jabalpur(MP)

#### AWARD

Dated : February 16, 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-14011/7/91-IR(DU), dated 23-12-1992, for adjudication of the following industrial dispute :—

#### SCHEDULE

"क्या प्रबन्धतंत्र आर्डनेन्स फैक्ट्री खमरिया जबलपुर (म.प्र.) के प्रबन्धकों द्वारा अपने आदेश दिनांक 31-12-90 द्वारा आवेदक संघ के पदाधिकारियों की सेवा भंग किये जाने एवं संघ पदाधिकारियों को प्रोटक्टेड वर्कमैन घोषित न किये जाने की कार्यवाही न्यायोचित है। यदि नहीं तो संबंधित लाभ आवेदक संघ के पदाधिकारियों/कर्मकार किम अनुतोष के हकदार है।

2. On 8-8-94 Counsel for the management and the workman appeared and thereafter the workman had taken several adjournments to file the statement of claim. Management has submitted the statement of claim. The contention of the management is that the workman is not filed the statement of claim inspite of more than ten adjournments granted. To check the harrasment to the management no dispute award be passed. Workman has not filed the statement of claim inspite of several adjournments and none has appeared for the workman during the last several hearings. Consequently, it is clear that the workman or the Union is not interested in pursuing the dispute. No dispute award is hereby passed. No order as to costs.

ARVIND KUMAR AWASTHY, Presiding Officer

नई दिल्ली, 11 मार्च, 1996

का.प्रा. 1124: ---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[संख्या एल-40011/8/84-डी-2 (बी-1)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1124.--In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal New Delhi as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Post Office and their workman, which was received by the Central Government on 7-3-1996.

[No. L-40011/8/84-D-2(B)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI  
I. D. No. 53/95

In the matter of dispute between :

S/Shri Raj Pal, Mukesh Mathur, Navab Ali, Prem Parkash, Ayub Khan, Bhagwan Singh, Nathu Singh, Ahsan Ali and Jawala Prasad. All Packers as represented by the Delhi Labour Union, Aggarwal Bhawan, G. T. Road, Tis Hazari, Delhi-110054.

Versus

The Management of Post & Telegraphs Department, through its Assistant Superintendent, Post Offices (North), District Courts Post Office, Tis Hazari, Delhi-110054.

#### APPEARANCES :

Shri C. P. Aggarwal for the workman.

Shri Jeet Ram for the Management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-40011/8/89-D-2(B) dated 2-5-90 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the Management of Sr. Supdt. of Post Office, Delhi North Div., Delhi in terminating the services of S/Sh. Raj Pal, Mukesh Mathur, Navab Ali, Prem Parkash, Ayub Khan, Bhagwan Singh, Nathu Singh, Ahsan Ali w.c.f. 21-12-87, 24-12-87, 24-12-87, 24-12-87, 11-2-87, 27-1-88, 29-12-87, 28-12-87 respectively and not regularisation the services of Sh. Jawala Prasad was justified ? If not to what relief the workmen are entitled to ?"

2. The workman did not file any claim and he asked for an adjournment on 14-12-95. The case was then adjourned to 18-1-96. On 18-1-96 application was filed by the workman showing his intention to withdraw the dispute. A notice was ordered to be issued to his union for 29-1-96.

3. On 29-1-96 neither the workman appeared nor anybody appeared on behalf of the workman or his Union representative. Since the workman had filed an application for withdrawal of the dispute so it appeared that the workman was not interested in pursuing this dispute hence no dispute exist between the parties. No dispute award is, therefore, given in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer

2nd February, 1996.

नई दिल्ली, 11 मार्च, 1996

का.प्रा. 1125: ---औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टीकल फैक्ट्री के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[संख्या एल-14012/10/89-आई आर (डी-1)]

के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 11th March, 1996

S.O. 1125.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal Jabalpur as shown in the Annexure, in the Industrial Dispute between the employers in relation to the management of Vehicle Factory and their workman, which was received by the Central Government on 7-3-1996.

[No. L-14012/10/89-IR(DU)]

K. V. B. UNNY, Desk Officer

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR (M.P.)

Case Ref. No. CGIT/LC(R)(91)/1990

#### BETWEEN

Shri Kashi Prasad S/o Ram Prasad, 297, Bel-  
bagh, Near Police Station, Kanjar  
Mohalla, Jabalpur (M.P.)

#### AND

The General Manager, Vehicle Factory,  
Jabalpur (M.P.)

#### PRESIDED IN :

By Shri Arvind Kumar Awasthy.

#### APPEARANCES :

For Workman—Shri A. K. Shasi, Advocate

For Management—Shri S.S. Jha, Advocate

INDUSTRIAL : Vehicle Factory DISTRICT :  
Jabalpur (M.P.)

#### AWARD

Dated, February, 16th 1996

This is a reference made by the Central Government, Ministry of Labour, New Delhi, vide its Notification No. L-13012/10/89-IR(DU), dated 29-3-1990, for adjudication of the following industrial dispute :—

#### SCHEDULE

“क्या बिहवल फेक्ट्री, जबलपुर (म.प्र.) के प्रबन्धकों द्वारा श्री कशी प्रसाद आत्मज राम प्रसाद एक्स लेबर-ग्रेड, बिहवल फेक्ट्री जबलपुर की सेवाएं दिनांक 8-8-76 से समाप्त किये जाने को कार्यवाही न्यायोचित है। यदि नहीं तो कर्मकार किस अनुपात का हकदार है।

2. Admitted facts of the case are that Shri Kashi Prasad, workman concerned, was working as Labour B Grade in Vehicle Factory, Jabalpur, and that the workman was served with the charge-sheet dated 19-10-1984 for committing theft of 2 Nos. Carbide Tips; that the Enquiry Officer gave

its findings on 24-8-86 holding the charges proved and the Disciplinary Authority has terminated the services of the workman with effect from 8-8-76.

3. The case of the management is that on 26-8-1984 at about 6.45 hours workman, Kashi Prasad, was apprehended while going out of Gate No. 1 after completion of duties the workman was searched by Shri H. Jha, Supervisor and seven Nos. Carbide Tips (costly factory property) was recovered from the pipes of the cycle of the workman; that Shri V. Gandhi was appointed as the Enquiry Officer and three witnesses of the management were examined and two defence witnesses were examined by the workman and the charges were proved against the workman.

4. The case of the workman is that the seven Nos. of carbide Tips were inserted by somebody in the frame of his cycle and false charge of theft was cooked up against the workman; that the Enquiry Officer has not considered the statement of defence witnesses; that the finding of the Enquiry Officer perverse and the order of his dismissal from the service is illegal. The workman has prayed for reinstatement with back wages.

5. Following are the issues framed in the case :

#### ISSUES

1. Whether the enquiry is just, proper and legal?
2. Whether the management is entitled to lead evidence before this Tribunal?
3. Whether the charges of misconduct are proved on the facts of the case?
4. Whether the punishment is proper and legal?
5. Relief and costs?

6. Issue No. 1 & 2.—The Departmental Enquiry was held just, proper and legal vide order dated 9-1-1996. Issues No. 1 & 2 are answered in favour of the management.

7. Issue No. 3.—From the statement of U. G. Paranjpe (PW1) Security Officer and Shri Sonelal Santri, it is clear that on 26-8-84 they were on duty in the morning shift at Gate No. 1 of Vehicle Factory, Jabalpur and the workman, Kashi Prasad, was searched while he was going out of Gate No. 1 after completing his duties. G. U. Paranjpe (PW1) and Sonelal (PW2) have further stated that the workman was carrying the cycle and on search of his cycle seven Nos. of Carbide Tips were recovered from the pipe of cycle. Shri H. L. Jha, Supervisor, E. M. Section, has also stated that carbides tips of different size were seized from the cycle of the workman. There is nothing on record to show that U. G. Paranjpe, Security Officer, Sonelal and H. L. Jha Supervisor were having any grudge against the workman or they were interested in fabricating the false case against the work-

man. From the clear statement of these witnesses, it is proved that the carbide tips which are costly factory property were seized from the cycle's pipe of workman.

8. The workman has examined A. R. S. Nair (DW1) and Hari Prasad (DW2) and they have clearly stated that the workman, Kashi Prasad, was searched by the Security Officer, but these witnesses has not stated that the impugned articles i.e. 7 Nos. carbides tips were not recovered from the possession of the workman. The crux of the enquiry was whether the seven Nos. of carbide tips were in possession of the workman, the defence witness was examined on this point whether the contraband factory property was seized from the possession of the workman. Learned Enquiry has rightly held that the gross misconduct of theft by the workman is fully proved. Issue No. 3 is answered in favour of the management.

9. Issue No. 4.—Counsel for the workman argued that there is error in the order of punishment of the workman on the ground that the Disciplinary Authority was not empowered under C.C.S. (CCA) Rules to impose the penalty for dismissal of the workman, the workman has filed citation Annexure A of C.A.T. Allahabad in case of General Manager, Ordnance Factory, Kanpur Vs. Supriya Roy, R. A. No. 213/86 wherein it was observed in para 13 of the order that the power of the General Manager to dismiss the workman from service was entrusted by Notification dated 2-1-87 and as such the Order of the General Manager dismissing the service from 1987 was improper.

10. This fact is not in dispute that the General Manager, Vehicle Factory, Jabalpur was the Disciplinary Authority in this case had the power of appointing the workman. In his statement of claim the workman has not challenged the validity of the order of dismissal on the ground that the General Manager has no power to dismiss the workman. Consequently, the power of the General Manager to dismiss the workman cannot be considered at the far end of the case as it is a issue of fact. However, the General Manager is the appointing authority and as such by implication it will be presumed that he has the authority to dismiss the workman from the service.

11. Issue No. 5.—The workman committed the gross misconduct by committing theft of sensitive costly factory proper, seven Nos. carbide tips. As such, dismissal of the workman from the service is held just and proper. Action of the management in dismissing the workman, Kashi Prasad, w.c.f. 8-8-76 is held justified. Reference is answered in favour of the management. Parties to bear their own costs.

ARVIND KUMAR AWASTHY, Presiding  
Officer

नई दिल्ली 12 मार्च, 1996

का.आ. 1226 :—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसूच में, केन्द्रीय सरकार एच.आर्.सी. ऑफ इंडिया के प्रबंधन के सबह नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निहित औद्योगिक विवाद में, औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार का 12-3-96 को प्राप्त हुआ था।

[संख्या एल-17012/52/91-आई आर (बी-II)]

जी.के. शर्मा, डेस्क अधिकारी

New Delhi, the 12th March, 1996

S.O. 1126.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras, as shown in the Annexure, in the industrial dispute between the employers in relation to the management of LIC of India and their workman, which was received by the Central Government on the 12-3-1996.

[No. I-17012/52/91-IR(B-II)]

V. K. SHARMA, Desk Officer

## ANNEXURE

### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Thursday, the 11th day of January, 1996

PRESENT :

THIRU N. SUBRAMANIAN, B.A.B.L.,  
INDUSTRIAL TRIBUNAL.

INDUSTRIAL DISPUTE NO. 20 OF 1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Life Insurance Corporation, Vellore).

### BETWEEN

Shri D. Ekambaram,  
No. 5, Kailasam Nagar,  
Pakkumadianpet,  
Pondicherri-8.

Vs.

The Divisional Manager,  
LIC of India,  
Vellore Division,  
No. 20, Officers' Lane,  
Vellore-632 001.

## REFERENCE :

Order No. L-17012/52/91-IR.B.II, dated Nil, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 28th day of November, 1995 upon persuing the reference, Claim and Counter statements and all others material papers on record and upon hearing the arguments of Thiru L. Mohan, Advocate appearing for the Workman and of Thiru S. Masilamani, Advocate appearing for the Management and this dispute having stood over till this day for consideration, this Tribunal made the following.

## AWARD

The Government of India, by its Order No. L-17012/52/91-IR.B.II, dated Nil, referred for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 before this Tribunal regarding the dispute :

“Whether the termination of services of Sh. D. Ekambaram, by the Management of LIC is justified? If not, to what relief he is entitled ?

After services of notices, both parties pled their respective claim statement and counter statement.

2. The case of the petitioner as per the claim statement is as follows :—

The petitioner joined the Prithvi Insurance Company in the year 1955 as Messenger. He became a Record Clerk in 1959 and worked at L.I.C. Madras. In 1966, he was transferred to Pondicherry branch. In 1978, he was promoted as Assistant. In 1982, December, he became a Cashier and was working in the same branch. On 16-12-1985 a letter for his observation about 5 receipts for payment of premium on various dates was issued on the allegation that the amounts were not accounted by him. On 31-12-1985, he sent a reply denying the allegations. On 17-6-1986 charge sheet was issued by the Divisional Manager. On 2-7-1986 he submitted his explanation. Domestic enquiry was ordered. Enquiry commenced on 19-12-1986. After 4 sittings, a new Enquiry Officer was appointed on 23-6-87. The charge of the Enquiry Officer was not explained. In the enquiry, there were 13 witnesses cited by the Management, out of which only 8 witnesses were examined. Enquiry Officer gave his findings. Accept-

ing the findings Disciplinary Authority gave second show cause notice. After receipt of the petitioner's reply, Disciplinary Authority passed the order of dismissal on 6-5-1989. Appeal preferred by the petitioner was rejected on 17-1-1990. Thereafter, the petitioner gave a memorial to the Chairman, L.I.C. who rejected the same on 26-10-1990. The charges levelled against the petitioner was not proved. Out of 8 Policy holders only 4 were examined. Out of the 4, the petitioner was given opportunity to cross-examine only 3 witnesses. In spite of his request for recalling the other witnesses, he was not given opportunity. The witnesses did not identify the petitioner as the person who had received the premium amount. In the Premium receipts signature of the Cashier as well as the Supervisor are found. The Management charge sheeted only the petitioner but exonerated Supervisor who had counter signed the receipts. The Management had not followed the accepted principles in conducting the enquiry. Hence, the Tribunal may be pleased to set aside the order of the dismissal and direct the respondent to reinstate the petitioner with full back wages, other attendant benefits and cost.

3. The respondent filed his counter contending that it is true that this respondent issued a letter dated 16-12-1985 to the petitioner listing out the irregularities. The petitioner gave an evasive reply dated 31-12-85. The respondent initiated disciplinary proceedings. The charge sheet with reference to the irregularities in the matter of 7 LIC Policy has referred therein for which premium were collected and receipts issued by the petitioner without actually accounting the premium collections in the books of the respondent and thereby misappropriating the amount totalling a sum of Rs. 4,853. Since Sri S. Lakshmi Narayanan, Enquiry Officer was transferred to Audit and Inspection Department, involving touring duties for about 25 days in a month, in his place one Rangarajan was appointed. There was no change in the Presenting Officer. No prejudice has been caused to the petitioner in the change of Enquiry Officer, at a stage when no witness was examined. Enquiry was conducted following the due process of law and reasonable opportunity was given to the petitioner at every stage. During the Enquiry proceedings one of witnesses met with an accident, and the other 2 witnesses were not residing in Pondicherry to come to the enquiry. So they were not able to be examined in the enquiry. The petitioner



chose to register his protest by staging a walk-out on the ground that no identification parade was conducted to identify the person to whom the witness Subramaniam paid the money. This witness was prevented from identifying the petitioner on account of the walk-out staged by the petitioner and his helper. All other witnesses conclusively proved by identifying the petitioner as the person who received premium amounts from them. Two witnesses furnished their account books, diaries to satisfy the Enquiry Officer to confirm for the payment of premium. At no stage of the enquiry, the petitioner either stated that he has not signed the official receipts nor the signature found is not that of the petitioner. It is common knowledge that the cashier will affix his signature only after receipt of the cash. He alone is responsible for the cash received. It is futile to say that the Supervisor was equally responsible for the cash received. Hence the claim of the petitioner may be with cost.

4. By consent, Ex.M.1 to M.16 were marked. The arguments of both counsel were heard

5. The Point for consideration is : Whether the termination of services of Sh. D. Ekambaram, by the Management of LIC is justified, If not, to what relief he is entitled ?

6. The Point : It is admitted fact that petitioner was working as a Cashier in Pondicherry branch of the respondent. On 16-12-1985, the Senior Divisional Manager of the respondent issued a letter to the petitioner Ex.M.1 stating that the petitioner had not accounted the premium amount collected from 5 persons on various dates in the books of the branch. The respondent sent a reply Ex.M.2. He has stated in the reply only due to pressure of work and due to over-crowding of Policy holders in the Cash counter, without actually receiving the premium amount on the relevant dates, he might have put his signature in the cash receipts. Thereafter, charge sheet Ex.M.3 was issued. Ex.M.4 is the reply given by the petitioner for the charge sheet. Enquiry Officer was appointed. Originally one Lakshminarayanan was appointed as Enquiry Officer. After 4 hearings, another Enquiry Officer by name Rangarajan was appointed under Ex.M.6 is contended by the petitioner for changing of Enquiry Officer after 4 hearings, no explanation was given by the Management. But it is stated by the respondent since Lakshminarayanan was transferred to the Audit Department, who have to go on tour for about 25 days in a month, in order to avoid delay in conducting the enquiry, another Enquiry Officer was appointed. As contended by the respondent's counsel, no prejudice was caused to the petitioner by changing the Enquiry Officer especially when no witness was examined by the previous Enquiry Officer. The second enquiry officer conducted the proceedings

and filed his report Ex.M.8. Thereafter a second show cause notice was issued under Ex.M.9. The petitioner submitted his explanation Ex.M.10. Finally he was dismissed from service under Ex.M.11. Appeal preferred by the petitioner under Ex.M.12 was dismissed under Ex.M.14. The Chairman also rejected the memorial of the petitioner under Ex.M.16. At the domestic enquiry, 8 witnesses were examined. Out of the 8 witnesses, 4 witnesses were Policy-holders and 4 were official witnesses. Out of the four policy-holders, the petitioner cross-examined 3 witnesses. When the first witness was examined, in chief, the petitioner made a walk out stating that identification parade should be conducted with all the staff to identify the person to whom the witness paid the amount. Since the petitioner and his helper made a walk-out he lost his opportunity in cross-examining the first witness. All other 3 witnesses in their evidence specifically identified the petitioner as the person to whom they paid the money. Two witnesses produced their account books and diaries to show that they have paid the premium on the particular date. There is no motive for the policy-holders to speak against the petitioner, or in favour of the respondent. PW4 who was one of the Policy-holders produced his personal account book running to more than 200 pages written continuously for a number of years to prove the payment of November, 1984 premium in cash. The official witnesses categorically stated that the only person receiving the cash was the cashier and no other person was authorised to receive the cash. It is also not denied by the petitioner that the signature found in the 8 premium receipts are not that of his nor it is denied that he never signed the receipts. The only explanation offered by the petitioner is due to pressure of work and over crowd in the counter, he might have signed the receipts without receiving the amount actually. The practice in the office in collecting the premium amounts, as per the official witness is when the Policy-holders presents notice, the cashier will take out the printed receipt and after getting the amount either in cash or cheque, and nothing the same in the receipt will sign the receipt. Thereafter, he will make entry in the Scroll maintained by him for the receipt of the amount. Then the receipt and the scroll will be sent to Supervisor for counter signature. Supervisor after verifying the Scroll will counter sign the receipt. The receipt will be given to the Policy-holder either by the Supervisor or by the Sub-staff or by the Cashier according to the circumstances. The counter-foil of the receipt will be given to the Clerk to enter the cash book. On the completion of day's work, the cash collection will be verified with reference to the receipts. If there is any deficit or excess it will be rectified then and there. This procedure is not denied by the petitioner. It is admitted case, premium receipts

were signed by the Cashier as well as the Supervisor. If the counter-foils were sent for entry in the cash book, then at the closing of the day if really the petitioner issued the receipt without actually collecting the amount, there will be shortage of amount. But, there was no shortage on the respective dates and the amounts were tallied after the business was over. If really, the counter foils were sent for entry then and there ought to have been a shortages if the case of the petitioner is accepted, when there is no corresponding entry in the cash book, it shows that the counter foil were not sent for entry in the cash book. Therefore, the case of the petitioner that he might have signed the receipts without receiving the amount is falsified. On the other hand the evidence of all 4 witnesses viz., Policy-holders clearly established that they actually paid the amount to the petitioner.

7. Further if the receipts were issued by oversight, then the counter foils should have been available in the office. The counter foils of the receipts were not available. So, it ought to have been suppressed or destroyed by the petitioner. Further, the case of the petitioner that on account of over crowding and pressure of work, he could have signed the receipt also cannot be accepted. All the receipts were not issued on the same day. The receipts were issued on different dates. If there had been any over-crowding and pressure of work, the petitioner would have signed the receipt more than one in a particular date. Therefore, the case of the petitioner that due to pressure of work and oversight he signed the receipts without receiving the money also cannot be accepted. If the case of the petitioner is true, then there should have been corresponding entry on the respective dates in the Scroll Ex.M.1 to 7 and cash book Exs. M.9 to M.16 marked in the enquiry. Ex.M.18 to 24 which are the Machine cash debit list proves that the receipts in question were not disposed of. The indication of mode of payments of 8 receipts viz., by cash confirms the evidence of the witnesses PW1, 3, 4 and 7. The evidence of PWs 1, 3, 4 and 7 who were examined in the domestic enquiry prove without any doubt that the petitioner received the amount from them and then only issued the receipt. Therefore, the petitioner is responsible for the cash received from them. When there is no corresponding entry in the cash book relating to the receipts, it will lead to the conclusion that the amount has been misappropriated by the petitioner without entering the same in the cash book. So, the findings of the Enquiry Officer that charges levelled against the petitioner is proved is only based on evidence. So, the findings cannot be questioned.

8. Regarding the question of punishment, even though the petitioner has worked for more than 25 years, if once he had developed the tendency

to take away the third party's money for his personal use, in more than one occasion, it is not safe to retain him in the very same post. The respondent-Corporation is dealing with public money. So, the persons who are dealing with public money must be honest and not influenced by any other exterior circumstances. So, considering the gravity of the misconduct committed by the petitioner, the punishment imposed cannot be said to be severe or disproportionate.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 11th day of January, 1996.

THIRU N. SUBRAMANIAN,  
Industrial Tribunal.

#### WITNESSES EXAMINED

For Workman :

W.W.1 : Thiru D. Ekambaram.

For Management : None.

#### DOCUMENTS MARKED

For Workman : Nil.

For the Management

Ex.M.1|16-12-85 : Letter from the Management to the workman Thiru D Ekambaram.

M-2|31-12-85 : Reply by the workman to Ex.M.1.

M-3|17-6-86 : Charge sheet issued to the workman.

M-4|2-7-86 : Reply by the workman to Ex.M.3.

Ex-M.5|4-10-86 : Office order appointing Thiru S. Lakshminarayanan as Enquiry Officer.

M-6|23-6-87 : Office order appointing Thiru B. Rangarajan, as Enquiry Officer in the place of Thiru S. Lakshminarayanan.

M-7 : Proceedings of the Enquiry Officer.

M-8 : Findings of the Enquiry Officer.

M-9|6-9-88 : Second Show cause notice issued to the workman.

M-10|20-9-88 : Reply by the workman to Ex.M.9.

M-11|6-5-89 : Dismissal order.

M-12|26-5-89 : Appeal preferred by the workman against the dismissal order.

M-13|10-7-89 : Appeal preferred by the workman against the dismissal order.

M-14|17-1-90 : Order of Appellate Authority.

M-15/8-4-90 : Memoria submitted by the workman to the Management.

M-16/26-10-90 : Order passed by the Chairman, L.I.C. rejecting the memorial.

The Whole Time Director,  
M/s. Dalmia Magnesite Corporation Ltd.,  
Salem-636012.  
Tamil Nadu.

#### REFERENCE :

Order No. L-29012/128/94-IR(Misc), dated 10-5-95, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Miss M. Santhini, Advocate appearing for the Management, upon perusing the reference, and other connected papers on record and the Workman being absent, this Tribunal passed the following.

#### AWARD

This reference has been made for adjudication of the following issue :

"Whether the action of the Management of M/s. Dalmia Magnesite Corporation, Salem in terminating the services of Smt. Aythal/Karuppan with effect from 10-2-1992 is justified? If not to what relief she is entitled?"

No representation for Petitioner. Petitioner was absent from the date of first hearing for the past 6 months. Hence Industrial dispute dismissed for default. No costs.

Dated, this the 5th day of January, 1996.

THIRU N. SUBRAMANIAN, Industrial Tribunal

(No. L-29012/128/94-IR(Misc.))  
B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU, MADRAS

Friday, the 5th day of January, 1996

#### PRESENT :

Thiru N. Subramanian, B.A.B.L.,  
Industrial Tribunal.  
Industrial Dispute No. 19/1995

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Dalmia Magnesite Corporation, Salem).

#### BETWEEN

Smt. Aythal/Karuppan,  
Mazdoor, G.N. 54/TN-4812,  
No. 267, Alagapuram Kuttatheru,  
Swarnapuri Post,  
Salem-636016.  
Tamil Nadu.

#### AND

नई दिल्ली, 12 मार्च, 1996

का.प्रा. 1128.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मसर्स मद्रास डोक लेबर बोर्ड के प्रबन्धतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, मद्रास के पंचायत को प्रकाशित करती है, जो केन्द्रीय सरकार को 12-3-96 को प्राप्त हुआ था।

[संख्या एल-33012/2/90-आईआर (मिस)]  
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 12th March, 1996

S.O. 1128.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the

management of M/s. Madras Dock Labour Board and their workman which has received by the Central Government on 12-3-96.

[No. 33012/2/90-IR(Misc.)]  
B.M. DAVID, Desk Officer

### ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Wednesday, the 10th day of January, 1996

### PRESENT :

Thiru N. Subramaniam, B.A.B.L.,  
Industrial Tribunal.

Industrial Dispute No. 39/1990

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the workmen and the Management of Madras Dock Labour Board, Madras).

### BETWEEN

The workmen represented by  
The General Secretary,  
The Madras Harbour Workers' Union,  
'Bhagat House',  
204, Prakasam Salai,  
Madras-600108.

### AND

The Deputy Chairman,  
Madras Dock Labour Board,  
Rajaji Salai,  
Madras-600001.

### REFERENCE :

Order No. L-33012/2/90-IR(Misc.). dated 21-5-90, Ministry of Labour, Govt. of India, New Delhi.

This dispute coming on this day for final disposal in the presence of Thiru R. Arumugam for Tvl. Aiyar & Dolia, Advocates appearing for the workmen, upon perusing the reference, claim and counter statements and other connected papers on record and the workmen being absent, this tribunal passed the following.

### AWARD

This reference has been made for adjudication of the following issue :

"Whether the demand of the Madras Harbour Workers' Union, Madras on the Management of Madras Dock Labour Board, Madras for payment of wages to Shri P. Arjunam, Reserve Pool Mazdoor, for the period of his suspension from 14-8-84 to 19-5-85 with consequential benefits, is justified, if so, what relief is the workman entitled to ?"

No representation for the petitioner till 4.00 p.m. Petitioner called absent. There was no representation for the petitioner on previous hearings also continuously. The case is posted for enquiry as a last chance. Hence industrial dispute is dismissed for default. No costs.

Dated, this the 10th day of January, 1996.

THIRU N. SUBRAMANIAM, Industrial Tribunal

नई दिल्ली, 15 मार्च, 1996

का.आ. 1129.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार के प्रबन्धन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निदिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण, कोटा के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-96 को प्राप्त हुआ था।

[संख्या एल-40012/9/92-आई आर (डी यू)]  
के.वी.बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1129.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Kota as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecom and their workman, which was received by the Central Government on 11-3-96.

[No. L-40012/9/92-IR(DU)]

K. V. B. UNNY, Desk Officer

### अनुबंध

न्यायाधीश औद्योगिक न्यायाधिकरण  
(केन्द्रीय) कोटा (राज.) निर्देश प्रकरण क्रमांक :

प्रौ. न्या. (केन्द्रीय)— 5-93

दिनांक स्थापित 1-1-93

प्रसंग : भारत सरकार श्रम मंत्रालय,  
नई दिल्ली के आदेश संख्या एल. 40012/9/92-  
आई. आर (डी. यू.) दिनांक 28-12-92

औद्योगिक विवाद अधिनियम, 1947

### मध्य

बद्री लाल सुपुत्र श्री रामकिशन

—प्रार्थी श्रमिक

### एवं

डिविजनल इंजीनियर, टेलीकाम, रेलवे इलैक्ट्रिकेशन  
बी-1/10, गॉपिंग सेक्टर, जनकपुरी, नई दिल्ली

—प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचान,

आर. एच. जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि :—श्री डी. आर. द्विवेदी  
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि : श्री सी. बी. सोरल  
अधिनिर्णय दिनांक : 15-1-96

अधिनिर्णय

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा  
निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 की धारा 10  
(1) (घ) व संपठित उपधारा (2-क) के  
अन्तर्गत इस न्यायाधिकरण को अधिनिर्णयार्थ सम्प्रेषित किया  
गया है :—

“Whether the action of Deptt. of Telecom,  
R.E. in terminating the services of Shri  
Badri Lal, S/o Shri Ram Kishan, Lab-  
our at their sub-division at Kota w.e.f.  
1-8-87 is justified? If not, what relief  
the concerned workman is entitled to?”

2. निर्देश न्यायाधिकरण में प्राप्त होने पर दर्ज  
रजिस्टर किया गया व पक्षकारों को सूचना जारी की  
गयी तदुपरान्त दोनों पक्षों ने अपने-अपने अभ्यावेदन  
प्रस्तुत किए।

3. आज पक्षावली में दोनों पक्षों के प्रतिनिधिमण  
उपस्थित हुए। साक्ष्य प्रार्थी हेतु नियत थी परन्तु  
उसकी ओर से कोई साक्ष्य उपलब्ध नहीं करायी  
गयी और न ही कोई पर्याप्त कारण इस बावत  
बतलाया गया, अतः प्रार्थी पक्ष की साक्ष्य बन्द की जाती  
है। प्रतिपक्षी की ओर से भी कोई साक्ष्य प्रस्तुत  
नहीं कर अपनी साक्ष्य समाप्त की गयी। बहस सुनी  
गयी व पक्षावली का अवलोकन किया गया जिससे  
स्पष्ट प्रकट होता है कि प्रार्थी पक्ष की ओर से  
अपने क्लेम समर्थन में कोई साक्ष्य उपलब्ध नहीं है  
जिससे कि उसके कथन की पुष्टि हो सके, अतः  
साक्ष्य के अभाव में प्रार्थी कोई राहत प्राप्त  
करने का अधिकारी नहीं है और भारत सरकार,  
श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को  
इसी प्रकार उत्तररित किया जाता है।

इस अधिनिर्णय को समुचित सरकार को नियमानु-  
सार प्रकाशनार्थ भिजवाया जाये।

आर. के. चाचान, न्यायाधीश

नई दिल्ली, 15 मार्च, 1996

अधिमूचना

का. आ. 1130 औद्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय  
सरकार, भारतीय पुरातत्व सर्वेक्षण के प्रबन्ध  
के संबद्ध नियोजकों और उनके कर्मचारों  
के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद

में औद्योगिक अधिकरण, कोटा के पंचपट को  
प्रकाशित करती है, जो केन्द्रीय सरकार को 11-3-96  
को प्राप्त हुआ था।

[संख्या एल-42012/127/88-डी2(बी)]  
के. बी. डी. उन्नी, डैस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1130.—In pursuance of Section 17 of the  
Industrial Dispute Act, 1947 (14 of 1947), the  
Central Government hereby publishes the award  
of the Industrial Tribunal Kota as shown in the  
Annexure, in the industrial dispute between the  
employers in relation to the management of Archaeo-  
logical Survey of India and their workman,  
which was received by the Central Government on  
11-3-96.

[No. L-42012/127/88-D-2(B)]  
K. V. B. UNNY, Desk Officer

अनुबन्ध

न्यायाधीश औद्योगिक न्यायाधिकरण (केन्द्रीय)  
कोटा (राज)

[निर्देश प्रकरण क्रमांक : आ. न्या (केन्द्रीय)  
18/89

दिनांक स्थापित : 3-11-89

प्रसंग : भारत सरकार, श्रम मंत्रालय, नई दिल्ली के  
आदेशांक एल. 42012/127/88-डी-2  
बी. दिनांक 23-10-89

औद्योगिक विवाद अधिनियम, 1947

मध्य

भगवान गिरी आत्मज देवगिरी, करनेश्वर महादेव मंदिर  
के पास गांव कन्नुआ जिला कोटा।

—प्रार्थी श्रमिक

एवं

अधीक्षण पुरातत्वविद, भारतीय पुरातत्व सर्वेक्षण,  
जयपुर —प्रतिपक्षी नियोजक

उपस्थित

श्री आर. के. चाचान, आर. एच. जे. एस.

प्रार्थी श्रमिक की ओर से प्रतिनिधि : श्री एन. के. तिबारी  
प्रतिपक्षी नियोजक की ओर से प्रतिनिधि :— श्री सी.बी.  
सोरल अधिनिर्णय दिनांक 29-1-96

अधिनिर्णय :

भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा  
निम्न निर्देश औद्योगिक विवाद अधिनियम, 1947 जिसे  
तदुपरान्त “अधिनियम से सम्बोधित किया जावेगा की धारा  
10 (1) (घ) व उपधारा (2-क) के अन्तर्गत इस न्यायाधि-  
करण को अधिनिर्णय सम्प्रेषित किया गया है :—

“Whether the action of the Supdt. Archaeo-  
logical Survey of India, Jaipur is justifi-  
ed in terminating the services of Sh.  
Bhagwan Giri S/o Sh. Dev Giri w.e.f.  
26-7-88 is justified. If not, what relief

2. निर्देश न्यायाधिकरण से प्राप्त होने पर दर्ज रजि स्ट्र किया गया व पक्षकारों को सूचना जारी की गयी। प्रार्थी श्रमिक भगवान गिरी की ओर से क्लेम स्टेटमेंट प्रस्तुत कर संक्षेप में तथ्य इस प्रकार अंकित किए गए हैं कि अधीक्षक, भारतीय पुरातत्व सर्वेक्षण विभाग, कोटा जयपुर (जिससे तदुपरान्त "प्रतिपक्षी नियोजक" से सम्बंधित किया जाएगा) द्वारा 15 जून, 85 से दैनिक भजदूरी पर नियुक्त किया गया था व 26-7-88 को यह कहकर नौकरी से हटा दिया कि कार्य उपलब्ध नहीं है। इस प्रकार प्रार्थी ने प्रतिपक्षी नियोजक के यहां 15-6-85 से 26-7-88 तक निरन्तर कार्य किया व 240 दिन से अधिक समय तक कार्य कर लिया। प्रार्थी को सेवा से हटाने के पूर्व प्रतिपक्षी की ओर से अधिनियम की धारा 25-एफ के प्रावधानान्तर्गत एक भाह का नोटिस नहीं दिया और न भुगतान किया तथा छंटनी का मुआवजा नहीं दिया और न प्रस्तावित किया। प्रतिपक्षी ने प्रार्थी को नौकरी से हटाने के बाद भीषण सिंह नामक व्यक्ति को कार्यरत कर लिया परन्तु प्रार्थी को प्रतिपक्षी ने पुनः काम हेतु नहीं बुलाया। इस प्रकार उसे सेवा से हटाना अनुचित घोषित कर पिछले सम्पूर्ण वेतन व सेवा के समस्त लाभों सहित पुनः सेवा में लिए जाने का आदेश दिया जाए।

3. प्रतिपक्षी नियोजक की ओर से जवाब प्रस्तुत किया गया है कि प्रार्थी को 15-6-85 से 25-7-88 तक मस्ट्रोल पर विभिन्न स्थानों पर दैनिक वेतन पर कार्यरत किया है। प्रतिपक्षी ने प्रार्थी की सेवायें समाप्त नहीं की। समझौता अधिकारी के यहां भी प्रार्थी को कार्य पर लेने के लिए आदेश दिया गया परन्तु प्रार्थी कार्य पर नहीं आया, अतः प्रार्थी का क्लेम खारिज किया जाए।

4. प्रार्थी भगवान गिरी की ओर से स्वयं का शपथ-पत्र प्रस्तुत किया गया है जिससे नियोजक प्रतिनिधि द्वारा जिरह की गयी है। प्रतिपक्षी नियोजक की ओर से अवधेश कुमार शर्मा का शपथ-पत्र प्रस्तुत हुआ है जिससे श्रमिक प्रतिनिधि ने जिरह की है। बहस अन्तिम सुनी गयी व पताचली वा अवलोकन किया गया।

5. प्रतिपक्षी के विद्वान प्रतिनिधि ने यह बहस की है कि प्रार्थी को समझौता अधिकारी के यहां प्रतिपक्षी सेवा में लेने के लिए तैयार था इसके बावजूद वह सेवा पर उपस्थित नहीं हुआ इसलिए प्रार्थी पुनः सेवा या अन्य कोई लाभ प्राप्त करने का अधिकारी नहीं है।

6. प्रार्थी के विद्वान प्रतिनिधि ने उक्त बहस का जवाब देते हुए कहा है कि समझौता अधिकारी के यहां प्रार्थी को नयी सेवाएं दिए जाने का प्रस्ताव दिया गया था एवं पुरानी सेवा की निरन्तरता बनाए रखने नहीं माना गया इसलिए श्रमिक ने अपनी पुरानी सेवा के अधिकार को बहाल न रखने के कारण नियोजक की सेवा में जाने का प्रस्ताव स्वीकार नहीं किया। चूंकि प्रार्थी श्रमिक ने उक्त समयावधि से 240 दिन से अधिक समय तक सेवा कर ली थी और उसे नियमानुसार कोई प्रावधान का लाभ नहीं दिया गया, अतः उसे पिछले

सम्पूर्ण वेतन व सेवा के समस्त लाभों सहित पुनः सेवा में लिया जावे।

7. प्रार्थी भगवान गिरी ने अपने शपथ-पत्र में कहा है कि मैंने प्रतिपक्षी के यहां 15-6-85 से 26-7-88 तक की समयावधि में 240 दिन से अधिक की सेवा निरन्तर रूप से की है। समझौता अधिकारी के यहां सेवा में निरन्तरता बनाए रखना प्रतिपक्षी को स्वीकार नहीं था इसलिए वह नौकरी पर नहीं गया।

8. प्रतिपक्षी के गवाह अवधेश कुमार शर्मा ने जिरह में यह कहा है कि श्रमिक स्वेच्छा से नौकरी पर नहीं आया। श्रमिक ने 240 दिन तक कार्य नहीं किया। समझौता अधिकारी के यहां प्रतिपक्षी प्रार्थी को नयी नौकरी पर लेने को तैयार था।

9. इस प्रकार प्रतिपक्षी की ओर से यह तथ्य स्वीकृत है कि प्रार्थी ने जब प्रतिपक्षी के यहां 240 दिन लगातार कार्य कर लिया तो उसे अधिनियम की धारा 25-एफ के तहत नियमानुसार नोटिस वेतन व छटनी वा मुआवजा देकर सेवा से हटाया जाना चाहिए था। जहां तक श्रमिक के स्वेच्छा से नौकरी पर नहीं आने का प्रश्न है, यह प्रतिपक्षी ने साबित नहीं किया है क्योंकि प्रतिपक्षी ने श्रमिक को नौकरी पर आने वाबत कोई नोटिस नहीं दिया और न कोई जांच की। जहां तक समझौता अधिकारी के समक्ष नयी नौकरी पर प्रार्थी के नहीं आने का प्रश्न है, यह उसका अपना अधिकार था। इस प्रकार निष्कर्ष यह निकलता है कि चूंकि प्रार्थी ने प्रतिपक्षी के यहां 15-6-85 से 26-7-88 के मध्य 240 दिन से अधिक समय तक लगातार सेवा पूर्ण कर ली थी तो प्रतिपक्षी के लिए यह आवश्यक था कि वह नियमानुसार अधिनियम की धारा 25-एफ की पालना करके ही प्रार्थी को नौकरी से हटाया था। इसके अतिरिक्त प्रार्थी को पुनः सेवा में आने वाबत प्रतिपक्षी की ओर से कोई नोटिस/सूचना भी नहीं दी गयी और न कोई जांच की गयी, अतः इस प्रकार प्रार्थी को सेवा से हटाना अनुचित व अवैध माना जाने योग्य है, फलस्वरूप प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में आने का अधिकारी घोषित किए जाने योग्य है।

10. उपरोक्त सम्पूर्ण विवेचन के आधार पर भारत सरकार, श्रम मंत्रालय, नई दिल्ली द्वारा सम्प्रेषित निर्देश को इस प्रकार उत्तरित किया जाता है कि अधीक्षण, पुरातत्वविद्, भारतीय पुरातत्व सर्वेक्षण, जयपुर (कोटा) द्वारा प्रार्थी भगवान गिरी को दिनांक 26-7-88 से सेवा से हटाना अनुचित व अवैध है, फलस्वरूप प्रार्थी पिछले सम्पूर्ण वेतन व सेवा की निरन्तरता सहित पुनः सेवा में लिए जाने का अधिकारी घोषित किया जाता है।

इस अधिनियम को समुचित सरकार को नियमानुसार प्रकाशनार्थ भिजवाया जाए।

प्रार. के. आचार्य, न्यायाधीश

नई दिल्ली, 15 मार्च, 1996

का. आ. 1131.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संवर्धन नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिनियम, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-96 को प्राप्त हुआ था।

[संख्या एल—12012/71/92—आई आर वी आई]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1131.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of SBI and their workman, which was received by the Central Government on the 14-3-96.

[No. L-12012/71/92-IRB1]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL AT CALCUTTA

Reference No. 49 of 1992

## PARTIES :

Employers in relation to the management of  
State Bank of India.

AND

Their workmen

## PRESENT :

Mr. Justice K. C. Jagadeb Roy. . . Presi-  
ding Officer

## APPEARANCE :

On behalf of Management—Mr. K. Ghosh,  
Assistant Law Officer of the Bank.

On behalf of Workman—Mr. S. Dutta, Gene-  
ral Secretary of the Union.

STATE : West Bengal INDUSTRY : Banking

## AWARD

By Order No. L-12012/71/92-IR.B.III, dated 31-7-1992, the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of State Bank of India in dismissing Shri Madan Mohan Patra vide letter No. DS

259, dated 19-6-89 is justified ? If not to what relief he is entitled to ?”

2. A written statement had been filed by the State Bank of India Staff Association on behalf of the workman stating therein that the concerned workman Sri Madan Mohan Patra was a Messenger with combined designation at Deulti Branch of State Bank of India, Howrah, who was charge-sheeted on the allegation that he had received reimbursement of large sums of money from the Branch on submission of false coal/fuel bills and altered a cash memo No. 5399, dated 4th August 1986 regarding purchase of kerosene oil for Rs. 11.20 p. to Rs. 56 and received the cash from the Bank in reimbursement for the altered amount, Sr Patra though was appointed as a Messenger at the Bank was selected to function as a Manager by the Local Implementation Committee of the Deulti Branch of the Bank to run the subsidised canteen of the Bank. This implementation committee was composed of the representatives of the Award Staff as well as the Officers of the branch of the Bank and the Branch Manager was the ex-officio President of the same.

It was the case of the Union that Sri Patra was the Secretary of the local unit of the Staff Association, which was a recognised trade union of the Bank and on various occasions has been opposed to the Branch Manager in connection with union activities. As Sri Patra was busy in his daily official routine duties, he could not look after the canteen affairs himself and the purchases for the canteen were done by the canteen boys. Since the canteen did not have any ration card, kerosene, coal and cowdung were purchased from the open market. This practice of making the purchases through the canteen boys were prevalent from the very day of opening of the canteen and most of the purchases were done by Kachha receipts from the market excepting a few where cash memos were available. The bills and vouchers for the articles purchased were countersigned by the respective canteen boys and Sri Patra as Canteen Manager used to prepare a bill clubbing all the bills which are either weekly or fortnightly and on scrutiny and verification were paid by the Branch Manager, the ex-officio president of the canteen, by a Bankers Cheque in the name of Sri Patra. This practice was not objected to by any audit of the Bank during routine audits, Sri Patra had fully complied with the Bank's accounting procedure as contained in the Hand Book of Staff Matters, Volume-II, Chapter-3, Paragraph 3 and 4, a copy of which had been annexed to the written statement as Annexure 'C'. The concerned workman accordingly denied the charge and stated that the price hike during the intervening years was totally ignored by the Enquiry Officer and due to sheer bias and prejudice he held him solely responsible and proposed the punishment.

The second charge against Sri Patra was that he had altered materially a cash memo No. 5399 dated 4-8-1986 issued by Sri Answer Ali, a kerosene dealers from Rs. 11-20 p. to Rs. 56 and thereafter received the amount of Rs. 56 on the said bill. Sri Patra had denied the charge and said that Sri Answer Ali not having been examined in the enquiry, no liability should have been placed on him for having altered the bill as it was his case that the figure in the receipt had been altered by Sri Answer Ali himself. It is more so when Sri Answer Ali had written a letter to the Enquiry Officer dated 12-9-1988 in reply to a letter of the defence counsel that he had received the amount of Rs. 56/- and admitted to have altered the amount himself. Sri Answer Ali was not examined at the enquiry even though he was available. It is his further allegation that the Enquiry Officer willfully ignored the deposition of his witnesses and gave a biased finding. Ultimately in the said disciplinary proceeding the concerned workman was dismissed from service and the appeal to the appellate authority against that order also failed to yield any result for him and the order of punishment was not interfered with. After the dispute having been raised and the conciliation failed, the matter has been referred for adjudication before this Tribunal. It was the claim of the workman that the finding of the Enquiry Officer was had and in violation of the principle of natural justice and the management was not justified in dismissing him from service. He need therefore, be reinstated retrospectively with all benefits and to any other relief that may be due to him.

3. In the written statement of the management, the management has stated that Sri Patra was dismissed from service with effect from 26-6-1989 having committed gross misconduct in terms of paragraph 521(5) of Sastri Award. According to them not only he submitted false fuel bills and got reimbursement of the inflated amount as the Canteen Manager, he also altered the kerosene bill. The order of punishment was passed after a proper and valid disciplinary proceeding. Since the charges of fuel expenses jumped up after Sri Patra took charge of the canteen, the Bank scrutinised the bills submitted by him and found that the bills were false and the kerosene bill was also fraudulently altered. It was avarred in the written statement that during the disciplinary proceeding both the defence counsel and the charged employee had admitted that Sri Patra had altered the cash memo on account of kerosene and also got the reimbursement of the amount from the Bank. It was their further case that Answer Ai had no authority to authorise Sri Patra to alter the cash memo. The Bank has elaborate procedure for disciplinary action against the employee which is in line with the provisions of the Sastri Award, that was subsequently retained by the Desai Award. The punishment that was imposed on Sri Patra was not disproportionate to the charge and no principle of

natural justice was violated in the procedure of enquiry.

4. To this written statement of the management a rejoinder had been filed by the workman. In paragraph 4 of the rejoinder it has been stated that in order to avoid split bills, a consolidated bill representing 25 liters of kerosene oil was made with the consent of the dealer, which has not been denied by the dealer Answer Ali, rather he had agreed with the statement. He has not produced by the Bank before the Enquiry Officer as had he been presented in order to establish forgery, the real truth would have come out, which would have been against the management. Sri Answer Ali was a loanee of the Bank for a sum of Rs. 99000 bearing Loan Account No. OC 27 dated 5-1-1988 and in order to oblige the management, he withheld himself to appear before the enquiry. Rest of the assertions made in the rejoinder were merely repetition of what has been stated in the written statement filed by on behalf of the workman.

5. The charge sheet had been exhibited by the management and marked Ext. M-2. In the charge sheet in paragraph 1(a) the allegation was that the workman had received reimbursement of large sums of money from the Branch of the Bank on submission of false coal bills|kerosene bills for canteen, which were enumerated as items (i) to (vi). None of these bills referred to were coal bills. They are either bills for kerosene or cowdung. In paragraph 1(b) it has been alleged that he had altered the figure Rs. 11.20 p. to Rs. 56.00 in the cash memo bearing No. 5390 dated 4-8-1986 for kerosene. Accordingly the workman was called upon to show cause why he should not be found to have committed gross misconduct as per paragraph 521(4)(i) of the Sastri Award as retained by the Desai Award. It was further stated in paragraph 3 that this charges collectively or each of them individually, if proved, would attract the punishment as contained in paragraph 521(5) of Sastri Award, of dismissal without notice.

6. The management has filed the entire file relating to the disciplinary proceeding. I have gone through the entire file. I find that these bills which have been referred to in the charge and alleged to have been false were sent to one Sri Samajdar, examiner of questioned documents, who gave his opinion about these bills as well as on the cash memo dated 4-8-1986. He had opined that the cash memo was in the hand writing of Madan Mohan Patra and bills were also in the hand writing of Madan Mohan Patra. It was further stated by him that "the bills are in the hand writing of Madan Mohan Patra; so also, the signatures reading Sk. Answer" (the exact wordings are quoted). In subparagraph (a) of paragraph II he has opined that "agreements in general and individual characteristics are obvious (the exact wordings are quot-



ed). This report of Sri Samajdar is dated 12 May, 1987. The show cause notice to the initiation of the disciplinary action incorporating the charges, dated 2 March 1988 is marked Ext. M-2.

While perusing the file of disciplinary proceeding against Madan Mohan Patra, I found a letter dated 15 October, 1988 bringing an additional charge against Sri Patra which reads as follows:—

"That you are involved in commitment of certain serious irregularities in disbursement of a few DIR Loans granted to Sarvashri Bachuram Manna (DIR a/c. No. 146), Swapan Maity (DIR a/c. No. 109), Gobinda Maity (DIR a/c. No. 187) by offering yourself as a guarantor in the said advances in violation of the Bank's laid down instruction and without obtaining prior permission of your appropriate authority."

This was stated to be in continuation of the letter dated 2nd March 1988 but from the pleadings of the parties in the case I find that the management has not stated that this was the charge for which the workman was also proceeded for.

The notice of the disciplinary proceeding was made on the 26th March 1988 giving notice to the workman Sri Patra that the departmental proceeding would be held at Regional Office and Sri S. Chakraborty, Branch Manager, Shibpur was appointed as the Enquiry Officer. It also appears from the file that a report had been submitted by Sri A. K. Maiti, A.O. addressed to the Regional Manager stating about the irregularities in the account of the concerned workman. He had referred to those bills and cash memo referred to in the charge sheet and against each set of bills he had also mentioned the nature of irregularities that he found.

From the order sheet of the Regional Manager dated 28-4-1989 I find that he has stated that all opportunities were provided to Sri Patra to participate in the enquiry and to file his defence, which he also availed fully and that no principle of natural justice has been violated and after going through the Enquiry Officer's report he was satisfied that the charges framed were proved.

I do not find any day-to-day record of the enquiry proceeding against the concerned workman. It appears from the record that an appeal was preferred by Sri Patra which was turned down by the Deputy General Manager who is the Appellate Authority by his order dated 17th July 1989. The appeal memo by Sri Patra to the Deputy General Manager had been received by the office on 3rd July 1989 wherein Sri Patra had stated thus "I do not want to enter into any other area nor I am leading anything otherwise, excepting praying for clemency and condonation of the lapse, otherwise

myself being a poor and SC employee will not only face starvation, simultaneously it will exterminate my entire family consisting of 2 innocent children, 2 unemployed young brothers, my widow mother and unfortunate wife. I therefore entreat on your kindness to view the entire matter compassionately and help me to get myself rehabilitated by any punishment short of termination."

7. The workman has examined himself along with two other workmen from his side. He stated that Sri Answer Ali even though had been noticed to appear, had not appeared but had written a letter admitting the defence's case that he agreed to make the change in the cash memo for avoiding split bills and had received the money on the same. The workman has produced the letter of Answer Ali as Ext. W-1. He also filed another letter of Answer Ali Ext. W-2 wherein Answer Ali had written to the Enquiry Officer that he used to supply coal and had given receipt for the same and in regard to cash memo for kerosene, it was altered to 25 liters by his direction and he had received that amount of Rs. 56.00 on the said bill. The workman had also filed the copy of the letter issued to Answer Ali by registered post by Dipen Banerjee his defence counsel, asking Sri Ali to appear in the enquiry, which he did not but had written a letter, Ext. W-4 is also a letter from the defence counsel to Anwar Ali requesting him to let his view known to the Enquiry Officer in the disciplinary case. The management had not filed any document from their side, excepting examining two of their witnesses. Dipen Banerjee, the defence counsel who was examined as W-3 had dated to have written to Answer Ali to appear before the Enquiry Officer and Answer Ali had admitted the fact that the alteration in the cash memo was made at his consent and he had received the amount of Rs. 56. There is no question of any pecuniary benefit flowing to the workman by altering the cash memo. The other witness for the workman who was examined as WW-1 working as a temporary employee in the canteen and working about 15 days of month. He stated that all purchases for the canteen were made by the Canteen Boys. He stated that the coal and kerosene were purchased from Answer Ali and the canteen had no ration card of its own. Accordingly higher prices were being paid than the controlled price.

8. From the side of the management, MW-1, the Enquiry Officer was examined and stated that the enquiry was held as per the chargesheet Ext. M2. He did not speak anything about the additional charge. According to him the workman was given opportunity of personal hearing and principles of natural justice were indeed followed. The Branch Manager had deposed as a management witness. He admitted that Sri Patra was the secretary of the local union. He had checked up the vouchers in respect of fuel only. Though he admitted that he

saw the bills and vouchers as per charge No. 1 as mentioned in Ext. M-2, but could not say if the vouchers were produced by the Presenting Officer. He tried to ascertain the consumption of fuel e.g. kerosene, cowdung and coal during the enquiry and he found that the total consumption was higher than the previous month. He was not satisfied with the grounds for such higher consumption. He also admitted that while making his report he considered other circumstantial evidence (underlined for emphasis). He considered the budget which was not mentioned in his report. He also saw some records in the office of the Branch Manager for satisfying himself and had not mentioned about that to Sri Patra during the enquiry. He stated that as per his recollection, the Canteen Boys were telling that the consumption of fuel was alright. He admitted that Deulti Branch had no ration card for running the canteen. He also made a statement that the Canteen Boys were telling him that the coal and kerosene were purchased from outside and they inflated the bills. He admitted that he received a letter from Answer Ali stating that the alteration in the cash memo was made according to his wish. This witness stated that the employees themselves stated that the bills were to be inflated under the circumstances as stated by them. He admitted that he permitted the defence counsel to call the Answer Ali to be examined in the enquiry but Answer Ali did not come. He admitted that he did not consider any of the statement made by Answer Ali and made his report on the basis of other evidence.

MW-2 is the Branch Manager of the Deulti Branch of the State Bank of India. He admitted to have been examined and cross-examined in the enquiry. He was the president of the local implementation committee but could not say what was the consumption of kerosene per month as well as that of coal earlier. He had no knowledge about the consumption of cowdung. He also said that there was no ration card in the Branch for kerosene oil. He considered the bills to be false as there was alteration in the bills but he did not see the alteration himself but it appeared to him from the bill that it was done by the concerned workman. He admitted to have financed the factory belonging to Answer Ali and admitted that the loan had been given to Answer was irregular. According to him Anwar Ali and Answer Ali are the same person and the loan advanced to him was an irregular one. It was irregular because he was defaulting in its instalments. He also accepted the fact that Answer Ali did not say that he did not permit the alteration. Though he had not checked the consumption of fuel, it appeared to him that fuel consumed was in excess but he did not check it. He also admitted that the bills were referred to the document examiner for his opinion.

9. The Enquiry Officer's report is marked Ext. M-1. Regarding the first charge, he did not dis-

cuss any evidence of the witness who were examined before him but came to hold thus : "In the light of the various documentary evidence produced before the enquiry and considering all the attending circumstances, it can be inferred that the charge against Sri Patra for submission of false fuel bills and reimbursement of money on those bills have been reasonably proved. The Enquiry Officer however did not refer to any documentary evidence. Regarding the second charge, he came to find that charge proved against the workman holding that the alteration was made in the handwriting of Sri Patra who received the money on presenting the bill to the Bank. In his report he had however observed that Sri Patra was deputed most of the days of the month for outside duties and there was little control in consumption of fuel and Sri Patra was quite ignorant about the affairs of the canteen. This report was dated 11-4-89 on the basis of which the disciplinary authority passed the order of dismissal against Sri Patra which was maintained by the appellate authority.

10. From the pleading of the parties, read with the evidence led by the workman, I do not find there is any violation of principle of natural justice in conducting the enquiry. The workman had been given the notice to show cause to which of course he denied. He had been allowed to cross-examine the witness of the management and permitted to lead his own evidence. There is no allegation made by him that any document was withheld from him in preparing his defence. Therefore, there is nothing to show that the enquiry was vitiated for violation of any principle of natural justice or for any reason the enquiry could be said to be non-existent in the eye of law, so as to attract section 11A of the Industrial Disputes Act, 1947 and to provide an opportunity to the management to lead any evidence in justification of their action. That apart, the management in the written statement has also not sought for any permission of the Tribunal to lead evidence in justification of their action in the event the enquiry is found to be defective and the impugned was unjustified. In *Workmen of Firestone Tire & Rubber Co. of India (Pvt.) Ltd., Vs. The Management & Ors.* reported in 1973 (1) LLJ. 278, the Hon'ble Supreme Court has held that the Tribunal should allow the employer the opportunity to adduce evidence, if it is asked for them. In the present case on such permission is sought for by the management besides the fact that there are no circumstances available in the case inviting application of Section 11A of the Industrial Disputes Act, 1947.

11. From the materials on record, I find that the finding of guilt by the Enquiry Officer against the chargesheeted workman is based on no evidence. No evidence has been led to show that even though the bills were originally made for smaller amount were subsequently altered by the charged employee for his own ends, rather the Enquiry Offi-

cer in his deposition stated it was the statement of the Canteen Boys that they used is show higher amount in the bills for the reasons stated by them which does not implicate Sri Patra. It was the case of the charged employee that since he was out of station, the purchases were made by the Canteen Boys and the bills submitted by them, were processed by him for getting the money from the Bank, ultimately for disbursement to the persons from whom the same were purchased. There is no direct evidence led in the enquiry against Sri Patra or nothing has been stated before the Tribunal that the bills submitted were altered by Sri Patra fraudulently to defraud the Bank by taking more money than what was spent. The basis on which the charges were framed against Sri Patra was the report of Sri Samajdar, who was not examined at any stage either before the Enquiry Officer or before the Tribunal to suggest that he had properly assessed his report and gave his opinion. I have quoted some of his opinion which by itself were very confusing. That apart, regarding the alteration of Cash Memo (Charge No. 2) Sri Answer Ali stated in his letter to the Enquiry Officer that actually on his instruction, it was altered because he wanted to avoid split bills and he received the amount of Rs. 56. There is no cogent reason given either before the Tribunal or before the Enquiry Officer why such statement he ignored. It is not disputed that the chargesheeted employee a union leader. I have already stated in details the deposition made by the Enquiry Officer who had stated that he had taken into consideration extraneous materials in coming to his finding against Sri Patra and had not referred those materials in the enquiry report. He had gone into some records in the office of the Branch Manager about which nothing had been mentioned in the report. No legal evidence is available on the basis of which the finding of guilt would be justified. Accordingly, the finding of the Enquiry Officer which has been followed and accepted by the disciplinary authority and maintained by the appellate authority is perverse and cannot be sustained.

12. In the result, I come to hold that the order of dismissal passed by the management against Sri Patra by its letter dated 19-6-1989 is not justified and is set aside. In the result the workman is reinstated into service with all back wages.

Dated, Calcutta,

The 29th February, 1996.

K. C. JAGADEB ROY, Presiding Officer

नई दिल्ली, 15 मार्च, 1996

का. आ. 1132.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वैस्टर्न रेलवे के प्रबन्धन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[संख्या एल-41011/20/82-आई आर बी आई]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1132.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Rly. and their workman, which was received by the Central Government on the 7-3-1996.

[No. L-41011/20/82-IRBII

K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 35/88

In the matter of dispute between :

Shri Ram Saroop through,  
The Divisional Secretary,  
Paschim Railway Karamchari Parishad,  
Kota.

Versus

The Sr. Divisional Personnel Officer,  
Western Railway, Kota.  
The General Manager,  
Western Railway Bombay.

#### APPEARANCES :

Shri A.D. Grower for the workman.  
Shri C.M. Sharma for the management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41011(20)/82-DII(B) dated 20-3-1983 has referred the following industrial dispute to this Tribunal for adjudication.

"Whether the action of the Sr. Divisional Personnel Officer, Western Railway, Kota Division, Kota in terminating the services of Shri Ram Sarup, Casual Labour with effect from 20-2-1980, and denying him the authorised scale after he had worked for....days during the last 12 calendar months preceding to the date of his termination is legal and justified? If not, to what relief the workman is entitled ,"

2. Written statement was filed by the management in reply to the statement of claim. Evidence

was also led by the parties and the case was fixed for arguments when during the course of arguments A.D. Grover representative for the workman made statement that he wanted to withdraw the case on technical ground and requested that a No Dispute Award may be passed in this case.

3. In view of the statement of the representative for the workman, I allow the case to be withdrawn and pass a No Dispute Award in this case leaving the parties to bear their own costs.

19th January, 1996.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 15 मार्च, 1996

का. आ. 1133.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार वैस्टर्न रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[संख्या एन-41011/12/85-आई आर बी आई]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1133.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Western Rly. and their workman, which was received by the Central Govt. on the 7-3-96.

[No.L-41011/12/85-IRBI]  
K. V. B. UNNY, Desk Officer

#### ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESID-  
ING OFFICER, CENTRAL GOVERNMENT,  
INDUSTRIAL TRIBUNAL, NEW DELHI  
I.D. No. 42/88

In the matter of dispute between :  
Shri Jagdish Pershad and others through  
The Divisional Secretary,  
Paschim Railway Karamchari Parishad,  
Kota.

Versus

1. The General Manager,  
Western Railway,  
Churchgate, Bombay.
2. Addl. Chief Mechanical Engineer,  
Wagon Repair Shop, Western Railway,  
Kota.

#### APPEARANCE:

Shri A.D. Grover for the workman.  
Shri P.C. Malik for the management.

#### AWARD

The Central Government in the Ministry of Labour vide its Order No. L-41011(12)/85-D-II(B) dated 24-3-86 has referred the following industrial dispute to this Tribunal for adjudication :

"Whether the action of the management of Western Railway, Kota and their agents in giving seniority to 24 new khalasis transferred at their own request to Body Repair Shop above the 68 old working khalasis, justified? If not, to what relief these 76 old Khalasis are entitled for?"

2. Representative for the workman Shri A.D. Grover made statement that Shri Jagdish Pershad workman and others have been transferred to other units and promoted there. They are not interested in contesting this dispute. He further stated that no dispute award may be passed in this case.

3. In view of this statement of the representative for the workman I pass a no dispute award in this case leaving the parties to bear their own costs.

GANPATI SHARMA, Presiding Officer  
12th January, 1996.

नई दिल्ली, 15 मार्च, 1996

का. आ. 1134.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार गौड़ ग्रामीण बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, कलकत्ता के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[संख्या एन-12012/131/92-आई आर बी आई]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1134.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1974), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Calcutta as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Gaur Gramin Bank and their workman, which was received by the Central Government on the 7-3-96.

[No. L-12012/131/92-IRBI]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL  
TRIBUNAL AT CALCUTTA

Reference No. 20 of 1993

## PARTIES :

Employers in relation to the management of  
Gaur Gramin Bank.

AND

Their Workman

## PRESENT :

Mr. Justice K. C. Jagadeb Roy . . . . . Pre-  
siding Officer.

## APPEARANCES :

On behalf of Management : Ms. S. K.  
Chowdhury, Chairman of the Bank.On behalf of Workmen : Mr. S. Chow-  
dhury, Officer of the Executive Com-  
mittee of the Union.STATE : West Bengal INDUSTRY : Banking  
AWARD

By Order No. L-12012/131/92-IR.B.III(B.1) dated 24-2-1993, the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947, referred the following dispute to this Tribunal for adjudication :

"Whether the action of the management of Gaur Gramin Bank in discontinuing the special allowance being paid to Shri Kankan Chakraborty, Messenger, with from 11-6-91 is justified ? If not, to what relief the workman is entitled to ?"

2. As per the written statement filed by the Union, the Gaur Gramin Bank where the concerned workman Sri Kankan Chakraborty is employed is one of the Regional Rural Banks established under section 3 of the Regional Rural Bank Act, 1976. It has the operational jurisdiction over three districts in West Bengal namely, Murshidabad, Malda and West Dinajpur. After the National Bank for Agricultural and Rural Development (NABARD) was set up in the year 1982 pursuant to the NABARD Act, 1981, it assumed the functions carried out earlier by the Reserve Bank of India in its Rural Planning and Credit Cell in the Department of Banking Operation and Development and begun to refinance the Regional Rural Banks. The United Bank of India, however is the sponsor Bank for this Gaur Bank and the Gaur Gramin Bank (Staff) Service Regulation, 1980 was made after consultation with the United Bank of India. The Government of India under the direction of the Hon'ble

Supreme Court constituted on 26-11-87 a National Industrial Tribunal (NIT) to decide the questions relating to pay scales, salary and other allowances including other benefits of the employees of the Rural Development Bank. The NIT gave its Award on 30-4-1990 in clause 4,425 of which it is stated that the officers and other employees of the Regional Rural Banks would be entitled to claim parity with the officers and employees of the sponsor Bank in the matter of Pay scale, allowances and other benefits and further directed in the said paragraph that the Award shall be given effect to from 1st September 1987, the date on which the Hon'ble Supreme Court passed the order directing the Central Government to constitute the Tribunal. The xerox copy of this portion of the NIT's Award had been annexed by the Union as Annexure-III to the written statement. The Government of India hereafter fully accepting the Award of the NIT in its memo dated 22-2-1991 which has been annexed as Annexure-IV to the written statement, addressed to all Chairman of the Regional Rural Banks for implementing the terms of the Award which included in paragraph 14 of the same that the allowance special allowance and other benefits which are provided in the Bipartite Settlement and service regulations of the concerned sponsor Banks be extended to the employees officers of the Regional Rural Banks respectively and the allowances and other benefits which would have retrospective and prospective effects detailed in Annexure-IV of that memo which were however had not been annexed. According to the Union though the Gaur Gramin Bank had already observed and implemented all the instructions and formalities in terms of the Government of India, Ministry of Finance's Memo dated 22-2-1991 accepting the Award of the NIT, it is in the case of the present workman Sri Kankan Chakraborty alone that the Gaur Gramin Bank has defaulted in not following the said instruction.

Sri Kankan Chakraborty was a Messenger at the Area Office at Balurghat and was asked to function as a Daftary with effect from 1-1-1991 and was allowed to draw the Daftary Allowance which is a special allowance amounting to Rs. 119 per month in addition to his salary. This facility of receiving the allowance was stopped with effect from 10-6-1991 though it was paid to him regularly till 9-6-1991. Later on this allowance was given to Sri Niren Chowdhury another Messenger who came to Balurghat Area Office on transfer from Patiram Branch of the Bank on his own request. According to the Union though admittedly Sri Niren Chowdhury was senior to Mr. Kankan Chakraborty as a Messenger, he should not have replaced Sri Kankan Chakraborty from his post of Daftary and could have deprived

him the allowance, since the date on which Sri Chakraborty was appointed as Daftary, he was the only messenger in the office. Sri Niren Choudhury was not in that Area Office and was in a different place, and on his subsequently being transferred to this Area Office did not have right to receive that allowance and disentitle the holder of it namely Sri Kankan Chakraborty as the guidelines regarding special allowance in the sponsor bank namely United Bank of India are applicable to the employees of the Regional Rural Banks as per Part W-1 which are the relevant portion of the guidelines for staff administration of United Bank of India, states in paragraph 238 as follows : "A sub-staff, after his transfer into branches/offices (within the state) cannot claim special allowance on the ground of his seniority. His case for special allowance can only be considered for a post, which may fall vacant at that branch/office after his joining." The written statement of the Union further went on to say that the Area Office where Sri Kankan Chakraborty was working, there was only one post of Messenger created on 28-3-1988 and Sri Chakraborty was recruited on 29-3-1988 to the said post having joined on the same day. He was continuing in the said post without any adverse report against him till 9-6-1991. According to the Union a circular No. 1114, dated 14-11-1991 of the Gaur Gramin Bank having its Head Office at Malda was issued to all branches, area offices and all senior managers stating that after having final clearance from the appropriate authority and subsequent approval of the Board of Directors, the benefit of Daftary Allowance would be admissible to the eligible Messengers of the Bank with effect from 1-1-1991 (underlining is for the purpose of emphasis). According to this circular of 14-11-1991 which is annexed as Annexure-VIII to the written statement, the Daftary Allowance is a special allowance which would be effective from 1-1-1991 and in each of the branches and area offices, the seniormost of the Messengers in respect of the date of joining the Bank would be entitled to the allowance and at the Head Office the allowance may be extended to two seniormost Messengers in respect of their date of joining in the Bank. According to the Union therefore whenever a post of Daftary is made available in any of the branches or area offices, the seniormost Messenger of that branch or area office shall be given that Daftary allowance who shall discharge the function of Daftary. In paragraph 'C' of the said circular the Daftary allowance that was payable to a Messenger was fixed at Rs. 119 per month which allowance would also draw the dearness allowance. The amount would also rank for calculating H.R.A. and E.P.F. deductions. The Messenger in order to avail this special allowance should not only do his routine duties but is also required to do the special duties of Daftary whenever required over and above the routine duties. Pursuant to this circular dated

14-11-1991 issued by the Chairman, Sri Kankan Chakraborty was allowed to draw the said Daftary allowance with effect from 1-1-1991. In paragraph 12(b) of the written statement the Union had urged that the Chairman's circular dated 14-11-1991 was in the same line as the Bipartite settlement and clause 231 of the guidelines of the staff administration of the sponsor bank i.e. United Bank of India, according to which the selection of sub-staff for the post carrying special allowance are to be made on the basis of branchwise/office wise seniority to be reckoned on the basis of the date of appointment.

The dispute was created within the Chairman issued a circular on 9-1-1992 which is made Annexure-XII to the written statement wherein the Chairman stated that since the circular for payment of Daftary allowance have been same into force with effect from 14-11-1991, the seniormost Messenger on the basis of his appointment in the Bank in any branch or area office on that day namely 14-11-1991 would be entitled to such allowance and his allowance would be paid retrospectively with effect from 1-1-1991. According to the Union this circular is in violative of the earlier circular dated 14-11-1991 which was issued after necessary clearance and approval of the appropriate authority and the Board of Directors of the Bank and subsequent circular of the Chairman dated 9-1-1992 could not over-ride the decision of the appropriate authority and the Board of Directors, pursuant to which the Chairman earlier issued the circular dated 14-11-1991. It is the case of the Union in paragraph 21 of the written statement that the transfer of Niren Chowdhury to Balurghat Area Office was not a transfer on the administrative ground but a transfer of choice by Sri Chowdhury. In the circumstances, the Union urged in the written statement that the benefits once given to Kankan Chakraborty to avail the special allowance namely Daftary allowance need to be continued and could not be treated to have discontinued with effect from 10-6-1991.

3. In the written statement filed by the management, the management denied the entitlement of Kankan Chakraborty to receive the said Daftary allowance. According to their written statement the Government of India by their letter dated 22-2-1991 instructed all Regional Rural Banks in terms of proviso 1 of section 17 of the Regional Rural Bank Act, 1976 for implementation of the NIT Award dated 30-4-1990 and for setting up a quation committee. On the implementation of the said quation committee's report the employees of the Regional Rural Banks only became entitled to receive the pay scale of sponsor bank namely the United Bank of India as well as to receive certain other allowance mentioned in Annexure VI of that letter dated 22-2-1991. Daftary allowance was not however mentioned and not included in

the said Annexure-VI of that letter dated 22-2-91 and therefore could not be extended to the employees of the Bank alongwith other benefits. It is stated in paragraph 6 of the written statement that by way of clarification NABARD in consultation with the Government of India gave the instruction regarding the Daftary allowance in its circular dated 5-6-1991 regarding functional allowance of daftary to be made available to the Peons working in branches, it was clarified that just like the branches where only one Peon performing all kinds of jobs of sub-staff, since in the sponsor bank such staff are provided with special allowance of daftary it was clarified that the practice prevailing in the rural branches of the sponsor bank where only one peon is provided is to be followed. In paragraph 8 of their written statement has been stated that in State Level Forum which was not a statutory body but was only constituted by NABARD by its circular dated 14-9-1985, was discussing the functions and problems of the Regional Rural Banks in West Bengal and in the State Level Forum meeting held on 23-10-1991 it was decided that daftary allowance may be paid to eligible employees with effect from 1-1-1991 and this decision was communicated by NABARD to the Regional Rural Banks on 8th January 1992. According to the written statement this decision of the State Level Forum was nullified by the Government of India.

In paragraph 13 of the written statement of the management it has been stated that the guidelines for the daftary allowance would be as follows : "Daftary allowance is to be made applicable as and when the post of Daftary is created in the Regional Rural Banks in the Head Office or its branches: In respect of the branches, the allowance would be made applicable only to the Messenger who is entrusted with the work of Daftary provided such allowance is paid by the sponsor had to the Messenger in its rural branches where only one Peon or Messenger is provided." Accordingly it was the contention of the management that the Government of India did not ratify the State Level Forum decision with effect from 1-1-1991 and directed that such allowance can only be paid from the date on which such posts were created and ultimately contended that in the Regional Rural Bank, Malda the effective date of daftary allowance would be 14-11-1991 when the post of Daftary was created. Accordingly Sri Kankan Chakraborty was not entitled to receive the daftary allowance from 10-6-1991.

4. The workman has examined two witnesses including him as WW-1, WW-2 being the scale one officer of the Gaur Gramin Bank at Sujapur Branch in West Bengal and has marked 9 documents in support of his contention. Ext. W-1 is a portion of the guidelines of Staff administration of United Bank of India which says that a sub-staff

after his transfer to the branch/office within the state could not claim special allowance on the ground of his seniority. His claim for special allowance can only be considered for a post which may fall vacant at the branch/office after his joining. Ext. W-2 is a circular dated 13th June, 1983 of the sponsor Bank namely United Bank of India. This circular makes a clarification regarding the date of vacancy. The examples that are discussed in the circular state that when the post became vacant the senior most sub-staff of that branch on that very day is to be treated as the seniormost employee for consideration for the post of Daftary and a more senior person who come to that post on transfer from another branch subsequently could not claim seniority. Ext. W-3 dated 15th November 1991 from the Area Manager to the Chairman, Gaur Gramin Bank, Malda shows the need of two Messengers for the area office. Raiganj and Islampur Zone. Ext. W-4 is merely a communication from the Area Manager, Gaur Gramin Bank, Malda to the General Secretary of the Gaur Gramin Bank Employees Union stating that the Chairman had agreed to examine and consider the case of Kankan Chakraborty for the daftary allowance. It was dated 31-12-1991. Ext. W-5 is merely a letter from the Chairman dated 26-10-91 to the Board of Directors to consider the daftary allowance, in which he indicated in paragraph 5 to the effect that NABARD has no objection to extend the daftary allowance by the Regional Rural Banks with effect from 1-1-1991 and suggested in paragraph 7 for extending the daftary allowance as per the norms prevailing in the sponsor bank to the seniormost Messenger in each branches and area offices which should be made effective from 1-1-1991. Ext. W-6 is a communication between the Assistant General Manager (Personnel) and the Chairman, Sagar Gramin Bank where the Assistant General Manager has suggested that for smooth running of the branch, the special allowance be released to the sub-staff who invariably does the work of cash peon. Ext. W-7 is the proceeding of the meeting of the Board of Directors of the Gaur Gramin Bank held on 12-11-1991 which resolved that the recommendation of the Chairman regarding extension of daftary allowance to eligible Messengers of the Bank with effect from 1-1-1991 was approved provided the incumbent performed the work of daftary in addition to his normal duties as specified in the bipartite settlement and in the Bank's own job chart. Ext. W-8 is relied on by the union to show that Sri Niren Chowdhury, Messenger was not entitled to any transfer T.A., as it was an optional transfer. This transfer was from Patiram to Area Office wherein he was directed to be relieved with effect from 8-6-1991 to report at the new place on 10-6-1991. Ext. W-9 is the circular of the Gaur Gramin Bank under the signature of the Chairman stating that the benefit of daftary allowance would be admissible with effect from 1-1-1991 and that the daftary allowance was effective as a special allowance



from 1-1-1991 and in each of the branches and area offices seniormost Messenger would be entitled to the said allowance.

5. The workman (WW-1) has deposed that he joined the post of Messenger at Balurghat Area Office on 7-4-1988 and no other person was working as Messenger in the said office. After joining the post of Messenger he was also asked to work as Daftary and worked till November 1991 as the Daftary, Sri Niren Chowdhury another Messenger who was earlier working at Patiram 12 KMs. away from Balurghat came to join the Balurghat Area Office on optional transfer sought for by him and he was allowed to receive the daftary allowance on joining the Balurghat Area Office from 10-6-1991. He stated categorically that he made representation against that to the Area Manager and continued to work as Daftary till November 1991 even though officially the work was entrusted to Sri Niren Chowdhury from 10-6-1991. He had examined one Sri Badyanath Basak, a scale one officer of the Bank of Sujapur as already stated. He virtually supported the case of the workman and stated that Sri Kankan Chakraborty was originally given the daftary allowance and he was the seniormost of that office as a Messenger on the date of appointment of Sri Chowdhury who came to that branch, later could not have been given that allowance. According to him Sri Kankan Chakraborty was allowed the special allowance as Daftary till Sri Niren Chowdhury came to join in the area office when Sri Chowdhury was asked to perform the said job and was allowed the special allowance ignoring the claim of Sri Kankan Chakraborty.

6. The management has led no evidence to show that for the first time the post of Daftary was required to be filled up only with effect from 10-6-1991. On the other hand it is the unassailed evidence of the workman that he was working as Daftary from the very day of his joining to the post of Messenger at Balurghat Area Office on 7-4-1988. The daftary allowances was made available following the decision of the NIT and the decision was taken to allow the allowance with effect from 1-1-1991, he was receiving the daftary allowance from 1-1-1991 regularly. But then this position was disturbed after 10-6-1991 when Sri Niren Chowdhury though a seniormost person in the cadre of Messenger came on optional transfer from Patiram to Balurghat Area Office and joined there on 10-6-1991. As already stated the guidelines of staff administration of the United Bank of India, the sponsor bank of the Gaur Gramin Bank has already set out that a sub-staff after his transfer to a branch would not be allowed to special allowance on the ground of his seniority and his entitlement to get any special allowance be considered for a post which may fall vacant after his joining. This position which is contained in paragraph 238 of the guidelines and exhibited as Ext.

W-1 has not been challenged by the management by reference to any law, practice and no evidence has been led in this regard.

7. In such view of the matter, I answer this reference by holding that the action of the management of Gaur Gramin Bank in discontinuing the special allowance being paid to Sri Kankan Chakraborty, Messenger with effect from 10-6-91 was not justified and since Sri Niren Chowdhury was asked to discharge that responsibility with effect from 10-6-1991 as is stated by the workman and is not denied by the management by any contrary evidence, it cannot be said that there was no requirement of a Daftary in the area office. In such view of the matter Sri Kankan Chakraborty should not be disentitled to receive the daftary allowance for the period he was not allowed to discharge that function while the function having been carried out by another. In the result, Sri Kankan Chakraborty is entitled to get the daftary allowance from 10-6-1991 onwards @ Rs. 119/- per month.

The reference is answered accordingly.

K. C. JAGADEB ROY, Presiding Officer

Dated, Calcutta,

The 16th February, 1996.

नई दिल्ली, 15 मार्च, 1996

का. आ. 1135.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निविष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, नई दिल्ली के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 7-3-96 को प्राप्त हुआ था।

[संख्या एल—41011/21/93—आई आर बी आई]  
के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1135.—In pursuance of Section 17 of the Industrial Disputes Act 1947 (14 of 1947), the Central Government hereby publish the award of the Central Government Industrial Tribunal, New Delhi as shown in the annexure, in the industrial dispute between the employers in relation to the management of N. Rly. and their workman, which was received by the Central Government on the 7-3-96.

[No. L-41011/21/93-IRBI]  
K. V. B. UNNY, Desk Officer



## ANNEXURE

BEFORE SHRI GANPATI SHARMA, PRESID-  
ING OFFICER, CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL, NEW DELHI

I.D. No. 28/95

In the matter of dispute between :

Shri Deen Dayal, Chaudhary & others,  
Member of U.R.K.U., D.R.M., New Delhi,  
Represented through Y.D. Sharma, President,  
Uttar Railway Karamchari Union, Ram  
Naresh Bhawan,  
Tilak Gali, Pahar Ganj, New Delhi.

Versus

The D.R.M., Northern Railway,  
The Chairman, Railway Board, Ministry of  
Railways  
The Government of India.

## APPEARANCES :

None for the parties.

## AWARD

The Central Government in the Ministry of  
Labour vide its Order No. L-41011/21/93-I.R.  
(D.U.) dated 13-2-1995 has referred the follow-  
ing industrial dispute to this tribunal for adjudi-  
cation :

"Whether the action of the management of  
Northern Rlys. New Delhi in denying  
the benefit of special pay of Rs. 35/-  
Rs. 70 per month to the 38 workmen  
(as per list attached) is justified ? If not,  
to what relief are the concerned work-  
men entitled ?"

2. None appeared on behalf of the workmen in  
this case when the case was fixed for filing of the  
affidavit on previous date also the affidavit was not  
filed. In view of this situation a No Dispute award  
is passed in this case leaving the parties to bear  
their own costs.

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 15 मार्च, 1996

का. आ. 1136.--औद्योगिक विवाद अधिनियम,  
1947 (1947 का 14) की धारा 17 के अनुसरण में,  
केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन के संबद्ध  
नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट  
औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट  
को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-96  
को प्राप्त हुआ था ।

[संख्या एल--12012/179/88-आई आर बी आई]  
के. वी. वी. उन्नी, उच्च अधिकारी

New Delhi, the 15th March, 1996

S.O. 1136.--In pursuance of Section 17 of the  
Industrial Disputes Act, 1947 (14 of 1947), the  
Central Government hereby publishes the Award  
of the Industrial Tribunal, Madras as shown in  
the Annexure, in the industrial dispute between  
the employers in relation to the management of  
SBI and their workman, which was received by  
the Central Government on the 14-3-1996.

[No. L-12012/179/88-IRBI]  
K.V.B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Thursday, the 25th day of January 1996

## PRESENT :

THIRU N. SUBRAMANIAN, B.A.B.L.  
INDUSTRIAL DISPUTE NO. 16 OF 1989

(In the matter of the dispute for adjudication  
under Section 10(1)(d) of the Industrial Disputes  
Act, 1947 between the Workman and the  
Management of State Bank of India, Madras).

## BETWEEN

Shri P. S. Ramachandran.  
No. 7, Rangier Street.  
Thyagaraya Nagar, Madras-600 017.

## AND

The Chief General Manager,  
State Bank of India, LHO.  
21, Rajaji Salai, Madras-600 001.

## REFERENCE :

Order No. L-12012/179/88-D.III(A), dated  
7-2-1989, Ministry of Labour, Govt.  
of India, New Delhi.

This dispute after restoration, coming on for  
final hearing on Tuesday, the 12th day of Decem-  
ber, 1995 upon perusing the reference, claim  
and Counter statements and all other material  
papers on record and upon hearing the arguments  
of Thiru R. Arumugam, for Tvl. Aiyar & Dolia,  
Advocates appearing for the workman, and of  
Tvl. T. S. Gopalan, P. Ibrahim Kalifulla, and  
S. Ravindran, Advocates appearing for the  
Management and this dispute having stood over  
till this day for consideration, this Tribunal  
made the following :

## AWARD

The Government of India, by its Order No.  
L-12012(179)/88-B.III(A), dated 7-2-1989, re-  
ferred for adjudication before this Tribunal, u/s.  
10(1) (d) of the I.D. Act, regarding the  
dispute :

"Whether the Management of State Bank of  
India, Madras is justified in dismiss-  
ing without notice service of Shri P. S.

Ramachandran, Head Clerk, w.e.f. 15-4-1986 ? If not, to what relief the workman concerned is entitled."

2. After services of notices, both the petitioner and the respondent filed their Claim statement and Counter statement respectively.

3. The case of the petitioner as per the Claim statement is as follows :

The petitioner was appointed as a Clerk in the respondent-bank on 17-9-1963. He has put in more than 23 years of service. Respondent issued a letter dated 4-3-1983 alleging certain irregularities. The petitioner clarified by his explanation. After receiving the explanation, the respondent did not take any action for more than 1 year. But on 23-5-1984, the respondent issued a charge sheet. Respondent was placed under suspension w.e.f. 23-5-1984. The petitioner submitted his explanation denying all the charges. The petitioner was not heard anything for more than a year. Thereafter, disciplinary proceedings was initiated. In the enquiry, reasonable opportunity was denied. Even in the one sided enquiry, there is no material evidence to prove the charges. The Enquiry Officer come to a conclusion only on surmises and gave his finding. On the basis of the perverse finding, the Disciplinary Authority proposed the punishment of dismissal without notice. Petitioner placed all the materials before the disciplinary authority and pleaded that he is innocent. The Disciplinary Authority confirmed the punishment by the order dated 25-3-1986. The petitioner filed an appeal before the Appellate Authority. Appellate Authority, before deciding his appeal, issued a circular to all the offices in Madras circle, communicating the dismissal of the petitioner. Thereafter the very same authority heard the appeal and dismissed the same. The Enquiry Officer failed to see that the deposition of PW2 clearly brings out the real picture. Deposition of PW4 clearly establish the fact that Ex.P.2 not contain pass order, it is not bearing the triangular stamp, does not bear any date or any endorsement. Further, he says he could not say for certain whether Ex.P.2 was really the voucher on the basis of which the payment of Rs. 1,500 has been made at the teller counter. The evidence of PW3 clearly establishes the fact that she had never effected payment to the staff, at her counter unless

specifically authorised from the customer concerned, and it cannot be said payment was effected on the strength of Ex.P.2. She did not even whisper that the petitioner received payment for the withdrawal in question. There is no direct or indirect or substantial evidence to show that the petitioner had forged the signature of the depositor and destroyed the voucher in question. Account No. 38/22184 pertains to Sri Narayanasamy. The respondent neither produced specimen signature of either Ramu or Narayanasamy to establish the alleged forgery. No signature of either Ramu or Narayanasamy was given to the handwriting expert. The evidence of PW4 clearly establish the absence of the essential ingredients in Ex.P.2. It is sufficient to conclude that Ex.P.2 has no evidenciary value. The 3rd charge has no basis because the cheque leaf was only borrowed from the other Account holder with his knowledge for emergency use and no pecuniary benefit is derived by him. The petitioner explained in detail in 1983 itself and the respondent has accepted his explanation. He also explained about the issue of cheque for Rs. 3000 without sufficient funds and borrowing Rs. 3,000 is not excessive borrowing and as such these are not the charges as alleged. The respondent in grave cases of misappropriation imposed lesser punishment in other cases but in this case, the punishment imposed is disproportionate. The disciplinary action against the petitioner is violative of Para 521(b) of the Sastry Award. After the respondent charge sheeted after a long inordinate delay. Account No. 38/22184 relates to Narayanasamy whereas the withdrawal slip is given by one K. Ramu. There is no evidence to show that the petitioner received the payment from Teller and he removed the voucher and torn the voucher. Hence the Tribunal may be pleased to pass an award setting aside the dismissal of the petitioner and to reinstate the petitioner into service with full back wages and other attendant benefits.

4. The respondent filed his counter contending that the petitioner was employed as Head Clerk in the Guindy branch. On 2-3-1983, he took possession of that day's Savings Bank vouchers from the day book writer with an intention to remove the Savings Bank withdrawal slip for Rs. 1,500 of S.B. A/c. No. 38/22184 paid at the Teller counter. He had manipulated the said

withdrawal slip by forging the signature of the Account holder and derived the said benefit for himself. To cover up his wrong act, he destroyed the voucher, the pieces of which were later collected. On 28-2-1983, he issued a cheque for Rs. 3,000 without keeping sufficient funds, in his account. He borrowed a sum of Rs. 3,000 from Sowbhagya Corporation without permission from the authorities. The petitioner was charge sheeted for the above misconduct u/s. 521(4)(d) & (j) of the Sastry Award. The petitioner gave an explanation on 30-5-1984 in which he admitted the facts as disclosed in the charge sheet and tried to justify the same by reference to some circumstances. It will be clear from the perusal of the explanation that the petitioner accepted the charges. In the domestic enquiry, 4 witnesses were examined one witness on his side. The Disciplinary Authority issued a memo dated 5-3-1986 proposing the punishment of dismissal without notice, calling upon him to appear for personal hearing. After considering his representation, dismissal order was passed on 25-3-1986. It is denied that the petitioner was denied reasonable opportunity. The evidence of PW4 provided sufficient nexus to the complicity of the petitioner in the destruction of the withdrawal slip. Since Ex.P.2 is the pieces of torn withdrawal slip pasted on another Savings withdrawal slip, it cannot clearly show the presence of Triangular stamp, the date and the endorsement. In view of the substantial evidence, the Enquiry Officer justified in coming to the conclusion that the charges were proved. The misconduct alleged and proved are serious in nature. Hence the claim of the petitioner may be dismissed.

5. By consent, Exs. M.1 to M.27 were marked.

6. The Point for consideration is : Whether the Management of State Bank of India, Madras is justified in dismissing without notice the services of Sri P. S. Ramachandran, Head Clerk with effect from 15-04-1986. If not, to what relief the workman concerned is entitled ?"

7. The Point : The petitioner was working as a Head Clerk in the respondent-bank at Guindy branch at relevant date. The Management issued a charge sheet Ex.M.3 framing 5 charges alleging that petitioner has committed misconduct. Out of the 5 charges, charges 1 and 2 are grave in nature, when compared to other 3 charges. The petitioner submitted his explanation. Domestic enquiry was conducted. Ex.M.4 is the enquiry proceedings and Ex.M.5 is the findings of the Enquiry Officer. After giving a personal hearing regarding the proposed punishment Ex.M.7, he was dismissed from service under Ex.M.13 on 2-7-1986. The petitioner denied the charges 1 and 2 explained the circumstances under which the alleged misconduct amount to charges 3 to 5. Pending enquiry he was placed under suspension

under Ex.M.2. Charges 1 and 2 are that on 2-3-1983 he forged the signature of one account holder in the Savings Bank withdrawal slip and received a sum of Rs. 1,500 from Teller counter and misappropriated the same and on the evening he destroyed the withdrawal slip. Two days later some torn pieces of the alleged withdrawal slip were found and they were pasted in another withdrawal slip which is marked as Ex.M.21. In the enquiry, 4 witnesses were examined on the side of the Management and the petitioner examined one witness apart from himself on his side. It is the duty of the Management to prove the signature in Ex.M.21. It is the duty of the Management to prove the alleged forgery of the signature of the account holder in the withdrawal slip. For the forgery of the signature of the account holder, there is no direct evidence. The Management examined PW1 the handwriting expert to prove the signature in Ex.M.21. According to him the two letters found above the depositor's signature or in the handwriting of the petitioner. On the other hand, the petitioner examined one handwriting expert on his side, who says that it is not his writing. So, there is contradicting version by two handwriting experts about the writings in Ex.M.21. So, no reliance can be placed on the handwriting experts' evidence. Admittedly the full signature of the account holder alleged to have been forged by the petitioner is not found in Ex.M.21. Only two letters 'MU' are found. With that two letters, it is not possible to say who wrote the letters. There is no positive evidence to prove the forgery. If really, the petitioner has forged the signature of the account holder, and withdrew the money. The Management ought to have examined the account holder to prove that he has not issued any withdrawal slip signed by him on 2-3-1983. He is the competent person to say, he has not withdrawn any amount by withdrawal slip on 2-3-1983. Not even a statement was obtained from the account holder to that effect. If the Management has adduced evidence through the account holder to prove this fact then it can be presumed that somebody has withdrawn the amount from his account by forging his signature. As per the evidence of the Management officials, to withdraw the amount through the withdrawal slip it has to be presented to the Ledger clerk. After he noting the ledger folio and put his initial then given to the Officer to pass the withdrawal slip, then it will be given to the teller counter for payment. In the Teller counter, after payment, a triangular stamp to the effect for payment will be affixed and teller clerk will put his initial and then it will be written in the payment scroll. Admittedly, in Ex.M.21, the date, the triangular stamp and the initial of the teller clerk are not found. It could not be because it is not the full withdrawal slip, but only the torn pieces which are pasted on another withdrawal slip. PW3 is the teller clerk, who was working on that day. According to her,

she usually pay the amount only to the payee or to the account holder in the Teller counter after getting the signature as token for the receipt of the amount by them. Sometimes, she will pay the amount to the representative of the payee on authorisation. Some times, office staff will get the amount on behalf of the account holder. But she is not able to say specifically that on 2-3-1983 she paid the amount to the petitioner for the withdrawal slip. Further, she says, signature of the authenticated officer found in Ex.M.21 appears to be that of the petitioner. She is not definite whether that initial belongs to the petitioner. Further, she says in the payment scroll, she will write the account holder's name and Account no. after payment. For the payment of Rs. 1,500 by the alleged withdrawal slip, Ex. M.21, she has noted that the payment is given to Ramnu in the Account No. as 32/22184. So, as per the Payment scroll, the alleged payment of Rs. 1,500 was paid to the account holder himself. Further she says on 2-3-1983 except for the staff of the Chellammal Women's College, all other payments were made to the payees themselves. Therefore, there is no evidence that the amount was paid to the petitioner by the teller clerk in the morning. Further, she says she is not able to say whether she has effected payment on the strength of Ex.M.21 which was marked as P.2 in the enquiry. She has admitted that there was no endorsement in the withdrawal slip for payment to various payees. Therefore, from the evidence of PW3, it is not proved that the payment was made to the petitioner for the particular voucher by her on that date. Therefore, it is argued by the petitioner's counsel, when the Management failed to prove the payment was made to the petitioner and the petitioner received the amount, there is no necessity for the petitioner to destroy the withdrawal slip in the evening. For the destroyal of the withdrawal slip, the day book clerk was examined as PW2. According to him he was writing the day book. At that time, the petitioner came to him on the pretext of helping him in writing the day book and he sorted out the vouchers. In the meantime, he asked PW2 to phone to one Nalini, PW2 replied that he does not know to phone, and so, he went aside and sat in a corner. Some of the vouchers fell down on the back side of the desk. The petitioner took the vouchers and placed there and went away. This is the only evidence adduced by the Management. There is no positive evidence by PW2 that he saw the petitioner taking away the withdrawal slip when he left the place. According to the petitioner as a Head clerk he used to help in writing day book when the business is heavy on the day. According to the petitioner, he went there only to help PW2. But PW2 says he did not help The PW2 to write the day book. He further, says that petitioner wrote S.B. I Account and he wrote S.B. 5 account. If

that is true, if S.B. Account No. 1 is produced, it will be proved who has written the S.B.1 account. Some of the staff members were in the habit of collecting cash from the teller counters on behalf of the depositors. He says that the voucher came to him after it was paid by the teller and it was intact. The voucher was missing only after his scrolling. He, further says that Ex.P.2 viz., M.21 appears to be the pieces of the voucher. He also admitted after he satisfying himself about bona fides of the voucher paid at the teller counter and after finding the same to be in order in all respects, he will pass the voucher by saying 'paid by the teller in order'. He also further admitted he will verify on the paid voucher, signature of the drawer and his endorsement. So, according to him, he verified the signature of the depositor and satisfied himself that the signature of the depositor is genuine. Further, he admitted he cannot say definitely that payment was made under P-2 viz., Ex.M.21 on 2-3-1983. He further says payment can be made to the customer as seen from the payment scroll. So, from the evidence of the Management witnesses, there is no clinching or positive evidence to prove the charge of forgery and misappropriation and also tearing away the withdrawal slip by the petitioner.

8. Regarding the other 3 charges, viz., that he collected a cheque leaf No. A/46/648864 issued to another account holder in an unauthorised manner to derive pecuniary advantage and issued a cheque for Rs. 300 on 28-2-1983 without keeping sufficient funds in his account and he borrowed a sum of Rs. 3,000 from Sowbhagya Corporation without permission from the authorities, are explained by the petitioner in his explanation. Even taking for argument sake, that his explanation was not acceptable there is no evidence to prove the above charges on the side of the Management. Even taking that those charges are proved they are not grave charges to warrant a punishment of dismissal from service. The two grave charges Nos. 1 and 2 are not proved by the Management by cogent and acceptable evidence. Since the charges levelled against the petitioner are not proved, the order of dismissal is liable to be set aside. The petitioner is entitled to reinstatement with continuity of service. Since the petitioner did not do any work from the date of suspension, he is not entitled to full back wages. As the dismissal is not justified, petitioner is entitled to 50 per cent of the backwages and all other attendant benefits.

In the result, an award is passed as stated above. No costs.

Dated, this the 25th day of January, 1996

THIRU N. SUBRAMANIAN, Industrial Tribunal

**WITNESSES EXAMINED**

For both sides : None.

**DOCUMENTS MARKED**

For Workman : Nil.

For Management :

Ex.M.1|2-3-92 : Charge sheet issued to the Petitioner-workman Thiru P. S. Ramachandran (Xerox copy).

M-2|23-9-84 : Suspension order issued to the workman (Xerox copy).

M-3|23-5-94 : Charge sheet issued to the workman (Xerox copy).

M-4 : Proceedings of the Enquiry Officer (Xerox copy).

M-5|3-12-85 : Findings of the Enquiry Officer (Xerox copy).

M-6|5-3-86 : Letter from the Management Bank to the workman regarding the proposed punishment (Xerox copy).

M-7|14-3-86 : Personal hearing of the workman (Xerox copy).

M-8|14-3-86 : Reply by the workman to Ex. M.6 (Xerox copy).

M-9|25-3-86 : Letter from Disciplinary Authority to the workman regarding confirmation of the order of dismissal (Xerox copy).

Ex.M. 10|8-5-86 : Appeal preferred by the workman (Xerox copy).

M-11|12-6-86 : Letter from the Workman to the Management Bank (Xerox copy).

M-12|13-6-86 : Personal hearing of the workman (Xerox copy).

M-13|2-7-86 : Dismissal order (Xerox copy).

M-14| : Leave letter for leave on 12-1-82, 13-1-82 and 1-2-82 by the workman (Xerox copy).

M-15|24-3-82 : Leave letter from the workman (Xerox copy).

M-16|2-4-82 : Leave letter from the workman (Xerox copy).

M-17|6-11-82 : S.B. withdrawal slip for Rs. 750 (Xerox copy).

M-18|30-5-83 : S.B. withdrawal slip for Rs. 1,550 (Xerox copy).

M-19|21-6-83 : S.B. Credit slip for Rs.1,550 (Xerox copy).

M-20|17-5-84 : Report of Handwriting expert.

M-21|S.B. withdrawal slip for Rs. 1,500.

M-22|6-11-83 : S.B. withdrawal slip for Rs. 750.

M-23|30-5-83 : S.B. withdrawal slip for Rs. 1,550.

M-24|24-3-82 : Leave letter from the workman.

M.25| : Leave letter for leave on 12-1-82, 13-1-82 and 1-2-82.

M-26|21-6-83 : Pay-in-slip for Rs. 1,500.

M-27|2-4-82 : Leave letter from the workman.

नई दिल्ली, 15 मार्च, 1996

का.आ. 1137.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसर्गण में, केन्द्रीय सरकार दक्षिण रेलवे के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निहित औद्योगिक विवाद में औद्योगिक अधिकरण, मद्रास के पंचपट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-3-96 को प्राप्त हुआ था।

[संख्या एल-41012/110/91-आई आर बी आई]

के. वी. बी. उन्नी, डेस्क अधिकारी

New Delhi, the 15th March, 1996

S.O. 1137.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S. Railway and their workman, which was received by the Central Government on the 14-3-1996.

[No. L-41012/110/91-IRBI]

K. V. B. UNNY, Desk Officer

**ANNEXURE**

**BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU  
MADRAS**

Friday, the 2nd day of February, 1996

**PRESENT :**

Thiru N. Subramanian, B.A.B.L.,  
Industrial Tribunal.

Industrial Dispute No. 28 of 1992

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workman and the Management of Southern Railway, Madras-3).

**BETWEEN**

Shri S. P. Mani,  
Chin Chekanoor,  
Velloor Taluk, N.A. Dist.,  
Tamil Nadu.

## AND

The General Manager,  
Southern Railway,  
Dark Town, Madras-3.

## REFERENCE :

Order No. L-41012/110/91-IR(DU), dated 24-3-92, Ministry of Labour, Government of India, New Delhi.

This dispute coming on for final hearing on Tuesday, the 2nd day of January, 1996 upon perusing the reference, Claim and Counter statements and other connected papers on record and upon hearing of Tvl. T. Fen Walter and W. Fredric Castro Walter, Authorised Representatives for the Workman and the Management being absent and set ex parte and this dispute having stood over till this day for consideration, this Tribunal passed the following.

## AWARD

The Government of India, by its letter No. 41012/110/91-IR(DU), dated 24-3-92, referred for adjudication before this Tribunal u/s. 10(1)(d) of the I.D. Act, 1947 regarding the dispute :

"Whether the action of the Management of Southern Railway in terminating the services of Shri S. P. Mani, Pointsman B, Trichirapalli Division, is justified? If not, what relief he is entitled to?"

After services of notices, both the petitioner and the respondent filed their claim statement as well as counter statement.

2. The case of the petitioner is as follows.—The petitioner entered in service on 27-1-95 as Sweeper-cum-Porter in Trichirapalli Division. On 11-2-88, at about 20.00 hours while working as a Pointsman, he operated the outer signal but since there was some defect in the point, when he pulled the wire the signal did not operate properly. This defect was there in the signal for a long time. While pulling the wire, due to tension of the wire, the petitioner fell forward and became unconscious. He did not know what happened thereafter. It appears that during that time, train no. 867 was detained in the outer and the Station Master has received the train with the help of another pointsman. The Station Master asked the other operator Mr. Thangaraj to take care of this work. By about 6.00 p.m. 3 Police constables arrested the petitioner and he was taken to the hospital to examine whether he has consumed alcohol. The Medical Officer issued a Certificate that he is not under the influence of liquor, and he has not consumed any alcohol. In spite of this he was issued charge sheet on 11-2-88 as though he was under the influence of liquor. Enquiry Officer refused to permit the petitioner to mark the Medical Certificate as a document in his favour in the enquiry. The Enquiry

Officer has not even discussed the evidence of the petitioner and he was dismissed on the report of the Enquiry Officer. The appeal preferred by the petitioner was rejected. His revision was also rejected by the order dated 16-3-90. Enquiry was conducted in contravention of principles of natural justice. The punishment of compulsory retirement from service is unjust and improper. Hence this dispute has been raised.

3. The respondent filed his counter contending that the petitioner on 11-2-88 while on duty as Pointsman, at about 20.00 hours was found lying near the point in a drunken state. All efforts to bring him back to his senses were in vain. The passenger train was however received by sending another Pointsman to the point. The train was received after being detained for 15 minutes. This fact has been admitted by the petitioner. The Station Master and other officials were all witnesses to the incident. After discharging the train, they searched for the down outer padlock key, level crossing gate keys and point padlock keys, which were put under the custody of the petitioner. Only the outer padlock key was recovered from his shirt pocket. In the left side back pocket of his pant, he was carrying a bottle of arrack. The petitioner was so fully intoxicated and the other keys supposed to be with him were not to be found anywhere nearby. Only in the next morning the petitioner regained consciousness. He did not even care to report the matter to the Duty Station Master. Based on the report of the Station Master, the petitioner was taken under Railway Service (Discipline and Appeal) Rules 1968 for imposition of major penalty by issue of a charge sheet. The petitioner has in fact suppressed the material facts with a view to mislead this Tribunal. The allegations of the petitioner in Para 2 and 3 are incorrect and baseless. The Enquiry was conducted in accordance with the Rules, following the principles of natural justice. The other allegations are false. The Petitioner did not submit any representation before the Enquiry. The petitioner was compulsorily retired from service by the Disciplinary authority. Hence the claim of the petitioner may be dismissed with cost.

4. The respondent was absent for number of hearing. There was no representation on behalf of the respondent in the Court. Finally the respondent was set ex parte on 3-11-95. WW1 was examined on 2-1-96. According to WW1, when he was on duty in the point, on the day due to the tension, of the wire, he fell forward and became unconscious. He regained conscious only on the next day. Even though it is alleged by the respondent in the counter that the petitioner had consumed arrack and he was under its influence, the respondent had not come forward to prove the charges against the petitioner. In the absence of any oral or documentary evidence, and in the absence of

any contravention of the petitioner's evidence in the Court, the case of the petitioner has to be believed. Therefore, the respondent failed to prove the charges alleged against the petitioner and therefore, the order of compulsory retirement of the petitioner is not valid.

In the result, an award is passed setting aside the order of the compulsory retirement of the petitioner. The respondent is directed to reinstate the petitioner in service without back wages and

continuity of service. No costs.

Dated, this the 2nd day of February, 1996.  
THIRU N. SUBRAMANIAN, Industrial Tribunal

WITNESSES EXAMINED

For Workman :

W.W. 1 : Thiru S. P. Mani.

For Management : None

DOCUMENTS MARKED

For both sides : Nil.

